



ICJ Centre for the Independence of Judges and Lawyers (CIJL)

2nd ICJ Geneva Forum of Judges and Lawyers

5-6 December 2011

**‘Strengthening the Rule of Law in Times of Transition – The
Role of Lawyers and Bar Associations’**

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The Objective of the 2nd Geneva Forum of Judges and Lawyers

Introduction

The objective of the 2nd Geneva Forum of Judges and Lawyers is to explore the role and responsibilities of the legal profession to advance justice in situations of transition, with a particular focus on the States of the Middle East and North Africa region. This theme is largely animated by the events of the “Arab Spring” and the nascent democratic movements that have arisen in the Middle East and North Africa over the past year. The popular uprisings there have seen the displacement, or may eventually lead to the displacement, of a number of governments headed by authoritarian and in some cases, dictatorial regimes. There is a charged political dynamic that is sweeping the region, characterized by “home grown” democracy and mass peoples’ movements that manifest a thirst for expanded human rights and freedoms. The States in the region have been plagued by an abnegation of the Rule of Law and widespread human rights violations spanning decades. In some cases, policies as practices have been enshrined into law. For example, Egypt and Syria both have been governed under formal states of emergency, providing legal cover for the unlawful curtailment of human rights, even though no active armed conflict or other real emergency situation persisted in either country. The judiciary and the legal profession were among the first casualties in this process. Not only were there consistent threats to the independence of the profession, but also their capacity to administer or advocate justice under the Rule of Law was severely compromised in a myriad of ways.

While some of the States in this region and others move to establish or restore democratic institutions and the Rule of Law, the transitions that their societies will undergo face considerable challenges. Many of these will necessitate the involvement of bar associations and lawyers in the process of change, to provide advice and capacity, and, most importantly, to engage directly in the legal work to restore and advance justice. Lawyers are therefore likely to play a key role in the promotion and advancement of the Rule of Law and democracy.

In 2008, at its global Congress, the ICJ, including its Commissioners, honorary members, national sections and affiliates, adopted its Declaration on *Upholding the Rule of Law and the Role of Judges and Lawyers in Times of Crisis*. The 13 principles of that Declaration, and the accompanying major Commentary, provide concrete normative and practical guidance in considering the role of lawyers in times of transition.

The Geneva Forum 2011 was convened to provide a space for jurists, including judges, lawyers and academics from various jurisdictions and legal systems, to exchange information and perspectives on the role and duty of lawyers and bar associations with respect to supporting democracy and advancing the Rule of Law, including but not limited to countries in transition from authoritarian regimes to democratic government.

The objective of the 2nd Geneva Forum of Judges and Lawyers

The objective of the Forum was pursued through an exchange views on the following topics:

- The essential functions of bar associations, including its role in limiting encroachment on the legal profession by the executive;
- The contribution of bar associations to the reform of the justice system in countries in transition, including by prompting constitutional and legal reforms and supporting reform of the judiciary;
- The responsibility of the legal profession in promoting access to justice and fighting impunity for human rights violations, including through advocacy for public legal aid services, pursuit of public interest litigation and contribution to the development of transitional justice mechanisms;
- The responsibility of the legal profession in restoring confidence in its profession and in fighting corruption, including in the judiciary;
- The contribution of the legal profession to the delivery of timely and effective justice for all victims of human rights abuses, in particular those committed under authoritarian regimes; access to effective judicial remedies, reparation and fair trial require that all parties concerned be represented by qualified and competent lawyers;
- The contribution of the legal profession to the improvement of access to legal education and training, and to ensuring professional legal development that enables support for a transition to the Rule of Law; and
- The contribution of the legal profession to the development of codes of professional ethics, which establish *inter alia* the normative grounds for the regulation of the profession and disciplinary procedures for lawyers.

Session I: The status of bar associations and the independence of the legal profession under authoritarian regimes

During the first session, discussions focussed on the status of bar associations in countries subject to autocratic governance, and the repercussions on the legal profession and the judiciary. Positive examples of the efforts made by some bar associations to maintain unity and independence from executive oversight were contrasted with instances of lawyers' associations that were largely subjugated to governmental purposes and, in some instances, even dissolved. A clear perception emerged among the participants that establishing and consolidating the independence and identity of the bar is essential for improved effectiveness of representation and relationships with wider civil society.

Several participants asserted that a State-influenced bar has proved to be a rather common corollary of authoritarian regimes. It was noted with concern that associations of lawyers often collude with governments during crises and effectively become apparatuses of the State, wielded as a weapon to suppress the legal profession. This lack of independence limits the lawyer's ability to associate with fellow practitioners, which inevitably leads to a weakening of the powers of the profession.

In some instances the control of the executive power over the bar becomes so invasive that it corrupts the very nature of the lawyers' association, converting it into a tool to prevent lawyers, *de jure* or *de facto*, from exercising their functions. During the discussions, specific reference was made to the instrumental role played by the Syrian bar association in exacerbating the violations committed against lawyers arrested and detained for their human rights work, who are disbarred, isolated and deprived of legal assistance by the association itself, the body that is duty-bound to represent and protect lawyers' interests. A firm consensus emerged among the participants in the Forum that only through a genuine extraction of the lawyers' association from the State could the profession regain its respect and credibility, first and foremost among its primary constituency.

It was highlighted that for the legal profession to emerge from a state of subservience and gain a central role in the process of democratic reconstruction, the re-establishment of a link with civil society is of paramount importance. Participants shared the conviction that a lack of understanding of the concepts of Rule of Law and judicial independence on the part of the general public often affects societies emerging from periods of autocratic governance. The argument was made that this circumstance often leads the general public to mistrust the profession and its aims, and eventually prevents lawyers' ability to bridge the gap between members of the public and their rights. However, most participants adamantly agreed that the independence of judges and lawyers is for the benefit of society and not for members of legal profession and the judiciary themselves.

One participant suggested that, for bar associations to effectively reconnect with other social actors, a "top-down" approach mainly focussed on capacity-building efforts on international human rights standards for judges, lawyers and prosecutors should be complemented with a "bottom-up" strategy. The latter should aim to forge new

relations with traders' associations, farmers' associations, religious leaders, and all other representative groups within society, for the purpose of raising awareness of human rights values and concepts with the end-beneficiaries. The question as to how valuable progress in the unification of civil society could be made in some contexts with the assistance of the religious sector was also examined. In the course of the debate, the case of Ghana was mentioned as an example where the link between the lawyers' association and the clergy had proved instrumental in the evolution of the legal profession.

Expanding on the link between the legal profession and wider civil society, country examples, such as those of Tunisia and Swaziland, were put forward to highlight the need for a strengthened relationship between the bar and the bench. The perception was expressed and shared that, for the Rule of Law to flourish following periods of turbulence, strong relationships need to be built within the justice sector collectively.

Common objectives:

- **Sensitize the general public to human rights and the centrality of Rule of Law institutions**
- **Bridge the gap between the legal community, laymen and civil society with the help of a genuinely independent bar**
- **Foster the relationships between members of the bar and the bench in a spirit of collaboration on the achievement of common goals**

Session II: Reforming for the future: The contribution of bar associations to revamping the justice system in countries in transition

The second session centred on the practical challenges of reform and the role of the legal profession in that context. Participants pointed out that following long periods of repression, movement towards democratic reform and the opportunities to forge new political structures may arise suddenly and rapidly. Whereas a clear consensus emerged that these movements must be coupled with respect for human rights, it was agreed that law and policymakers adherence to international standards is no less crucial than having domestic legal organizations instigating the change. The nature of human rights as a process, rather than a single event, was underscored by a number of participants, who agreed on the need for the legal profession to be a centripetal force, binding fragmented societies.

Participants grappled with a key obstacle to progress, namely the lack of implementation of national legislation. Human rights law without effective implementation was compared to merely an empty shell. On the other hand, it was observed, history has shown that legislative vacuums often facilitate the exercise of broader and unchecked executive oversight over judges and lawyers. Yet what raised the utmost concern among the participants was the adoption and implementation of

legislation which contravene international law and standards in States characterized by dysfunctional legal systems.

Elaborating on the notion of dysfunction, one participant likened countries under authoritarian regimes to sixteenth century monarchic States, in which the executive placed itself above the law and enjoyed full impunity. Dysfunctional States were depicted as systems where Rule of Law tenets and institutions are displaced as a result of undemocratic drifts. One participant identified the essential feature of dysfunctional systems as follows: the replacement of the Rule of Law by the paradigm of Law and Order, according to which the adoption of laws authorizing violations of human rights and the Rule of Law are legitimized under the pretext of responding to security needs.

To reverse this tendency, efforts in several directions were said to be needed. As far as legal practitioners are concerned, one participant stressed that bar associations, law societies, or any other existing associative forum for the legal profession should operate as a bridge between lawyers in different countries, facilitating contacts and fostering exchanges of information. The establishment of peer-to-peer cooperation and solidarity at the international level was identified as a possible key factor for change, especially in the context of transition. Two sets of considerations were felt particularly relevant in this respect:

- First, it was noted that the implications of the lack of any direct experience with a democratic system of governance in entire generations of legal practitioners should not be overlooked. In some countries, no tradition of governance modelled on the respect for human rights and the Rule of Law has ever existed; in others it was swept away after authoritarian takeovers. For “lawyers who know injustice” for having practiced in these circumstances, as one participant put it, the establishment of relationships with legal practitioners from democratic countries can help to create within the profession the kind of debates conducive to reforms, once all the other necessary conditions are in place. On the other hand, from the outcomes of such rapprochement, bar associations and civil society organizations operating in democracies could also extrapolate refined analytic tools for intervening and analyzing the root causes of such situations.

- Secondly, through the collaboration between trained lawyers and legal experts from different jurisdictions, useful tools may emerge and be disseminated for the investigation and documentation of past and ongoing violations, operations of crucial importance so as effectively to turn the page after authoritarian governance. Only in this way, it was contended, may victims of human rights violations access justice and expect to have their grievances redressed.

Discussing the challenges inherent in assembling a credible agenda for reforms, several participants expressed deep concern at the approach of advocating the introduction of new laws as a shortcut for transition. The point was made that any proposal for legislative or institutional reform should be based on a prior assessment of the functioning of all the main actors in the administration of justice system and of the shortcomings of each sector, including police, office of public prosecution and all legal support staff. Along the same lines, participants warned against the temptation to treat the advocacy for ratification of international human rights instruments as a

“one-fit-for-all” solution; rather, they emphasized the need for a careful appreciation of the existing domestic mechanisms. Without the actual implementation of international standards into domestic law, whether as a consequence of the lack of adequate institutions or due to legislative gaps, international standards *per se* might be of little help in addressing the lack of effective redress for human rights abuses.

Common objectives:

- **Promote a serious assessment of the functioning of the entire justice sector system and its shortcomings**
- **Set clear priorities in the demanded agenda for reforms**
- **Push for democratic elections**
- **Undertake an analysis of existing legislation from the angle of its conformity with the Rule of Law**
- **Establish relationships between lawyers in democratic countries and countries in transition**

Session II (cont.): Accounting for the past: The responsibility of the legal profession in promoting access to justice and ensuring effective remedy for human rights violations

The third session of the Forum discussed how to ensure accountability for human rights violations, perpetrated under autocratic regimes as well as during civil uprisings. Participants addressed the concern that the quest for accountability and the fight against impunity would run counter to achieving reconciliation and political stability, as is sometimes argued in the aftermath of major regime changes. Among the issues raised in the course of the debate: the question as to how demands for justice can be met in contexts where authorities and legal structures are either not yet in place or are still struggling to provide themselves with appropriate regulation and rules of procedure. Amnesty laws, truth and reconciliation commissions, universal jurisdiction and international avenues for ensuring justice were also discussed.

The case of Libya was put forward to exemplify how the legal community might be able fruitfully to engage in the accountability debate. The response given by judges and lawyers to the almost complete lack of civil institutions that characterized the country on the eve of the uprising of February 2011 was presented as a positive example of the role that members of the legal society can play in steering civil society's reactions and structuring the aftermath of a revolution, when they operate in a consistent and coordinated fashion. It was recalled that some Libyan judges and lawyers sensitive to the cause of the families of victims of human rights abuses had been the some of the leading forces behind the beginning of civil unrest, and that it had been a small group of Libyan lawyers who authored the Constitutional Declaration containing the political and legislative roadmap for transition.

Regarding transitional justice, some argued that the issue should not be tackled until adequate efforts to stabilize the society and raise legal awareness were achieved. In Libya for instance, social forces were said not to be ready yet to face, fully understand, and implement the complex choices that the transitional justice discourse entails. As to Libyan legal society, the argument was put forward that in the absence of a structured bar association, it would first be necessary to mobilize legal organizations and then to train their members, while also engaging with the general public.

Discussing the question as to how to prioritize structural decisions that are all equally essential for the purpose of restoring justice, participants agreed that in Libya, as elsewhere, the lack of national legislation and procedures providing avenues and mechanisms for effective redress seriously impairs the accountability process. However, it was contended that the inadequacy of institutions in fulfilling their role in that process represents an even more serious obstacle to its accomplishment. In fact, as participants concluded, reforming and/or restructuring institutions with the objective of making them fit for the purpose of achieving accountability should be the real priority in transitional context. This reform should be achieved before embarking on major constitutional and legislative reforms.

Extrapolating from the case of Libya post-February 2011, the development of the idea of revolutionary legitimacy was singled out among the main challenges ahead for lawyers and judges in the context of transition from an authoritarian regime. “Revolutionary legitimacy” was described as the concept whereby acts and decisions taken in the name of revolutionary goals and aims enjoy popular acceptance and are treated *a priori* as a legally right, due to the fact that they come from the “heroes of the revolution”. Whereas the appearance and circulation of the concept in the immediate aftermath of successful revolutions might be a psychological side-effect of the revolution itself, a participant warned against the consequences, already in the short-term, of dividing the society into “bad guys” and “good guys” and evaluating individual conduct on the basis of the pretended belonging of the responsible to one rank or the other. If the resort to the justification of revolutionary legitimacy was to continue, it was warned, in the long-term the consequence would be a *de facto* immunity for the new ruling power, as happened in Libya after the 1969 putsch that brought Colonel Gaddafi to power.

The shared view was expressed that transitional governments need to adopt all the necessary measures to avoid the risk that victims of human rights violations decide to resort to private justice and revenge. Several alternative and complementary options to hold those responsible for human rights abuses accountable were examined and weighted by the participants:

- First, participants unanimously agreed that irrespective of which accountability mechanism a country eventually adopts to address the violations, a lack of documentation of what happened imposes a first serious limit on concrete possibilities for justice. Establishing a well-functioning system of fact-finding and training lawyers and civil society to perform this task is a crucial step for the success of any attempt to ensure accountability for past violations, whatever its forum and form.

- As regards the possibility that an international tribunal such as the International Criminal Court might determine, in situations where it has jurisdictional competence, to open investigations and try those allegedly responsible for human rights violations with a view to establishing individual criminal responsibilities, reference was made to the case of Saif al-Islam Gaddafi. The decision of the ICC to indict Gaddafi's son on charges of crimes against humanity, followed by his arrest and continuing detention in a Libyan prison, was contextualized from the perspective of the Libyan legal profession: on the one hand, it was noted, organizations of Libyan lawyers had carried out the fact-finding missions that produced the evidence on which ground the ICC could issue the indictment. On the other hand, the same participant highlighted that precisely on the basis of an acknowledged shortage of capacity, Libyan legal society has decided to seek partnership with all actors – whether national or international, at governmental, intergovernmental, and non-governmental level – potentially willing and capable to provide support in pursuing accountability for the violations committed in Libya.

- International arrest warrants and the principle of universal jurisdiction were also proposed as appropriate measures to ensure justice for violations in countries where a lack of political will or human and financial resources would not allow for an effective remedy at domestic level. In the course of the discussion, a participant also referred to States' international obligation to deny safe haven from prosecution to anyone suspected of serious human rights violations, as provided for instance under the UN Convention Against Torture.

- Concerning the adoption of amnesty laws, the experience of El Salvador was mentioned as an overall positive experiment from the angle of nation- and institution-building. After the UN-brokered Peace Agreements that sealed the transition from the civil war were signed a number of new institutions were created, particularly in the judicial field. Observing the situation now, twenty years later, it was concluded that strong institutions have emerged from the implementation of those Agreements.

- The viability and desirability of establishing truth and reconciliation commissions as a way to address violations committed during the period of authoritarian governance were called into question. In reply, the point was made that, for the abuses committed in Libya during Colonel Gaddafi's regime and the civil uprising, this hypothesis had been considered; however, due to the nature of some of the crimes committed, such as rape, it was decided that a TRC could have not represented a viable approach to transitional justice.

Common objectives:

- **Prevent “revolutionary legitimacy” from becoming a structural feature of the transitional period**
- **Contribute to designing a good system of fact-finding and lobby for the adoption of fast-track procedures to train judges, lawyers, prosecutors and police investigators**
- **Raise awareness within the legal community and society as a whole on the need to prevent impunity for human rights abuse**
- **Promote assessment of the conditions and strategies for transitional justice and disseminate a roadmap with the challenges ahead**

Session III: The role of the legal profession in the fight against corruption and the shift to the democratic paradigm

Based on the premise that the public perception of a corrupt justice system further deepens the rift between society and the legal profession, this session examined the concrete challenges faced by bar associations when seeking to re-establish public trust in the Rule of Law and the administration of justice. Participants generally agreed that corruption, both in the form of financial corruption and abuse of power, is often one of the most prominent features of authoritarian regimes, whereas the absence of, or limitations to, accountability mechanisms promote a culture of impunity across a number of societal sectors. Sometimes corrupt practices also circulate endemically in transitional societies, which are by their very nature fragile, being built upon delicate equilibrium. The great importance of adopting and enforcing codes of conduct for both lawyers and judges to counter the “gangrene of corruption” emerged as a belief commonly held amongst the participants.

Throughout the discussion a firm consensus emerged on the notion that members of the legal profession bear a special responsibility in the fight against the spread of corruption, in which they often find themselves as effective accomplices. Some elements of the possible contribution by lawyers to reducing corruption and a more accountable system of governance were illustrated through the example of the Malaysian bar association. Among several other initiatives, it was recalled that in Malaysia the bar had organized public demonstrations and rallies to challenge bills deemed contrary to international law or to shake off government’s inertia when inquiries needed to be opened on individual cases; it had produced recommendations on legislation being drafted; and it had set up its own investigations to present evidence of human rights violations allegedly committed by government’s representatives.

Gaining public support was deemed to be a crucial factor for a successful fight against corruption. The press, internet, other mass and social media, bar associations and individual lawyers were encouraged to broadcast messages of denunciation through all the tools made available by the proliferation of sources of information and by the end of the monopoly control over them. Participants reaffirmed the shared belief that the dissonance between the legal community and the public, often particularly acute following periods of autocratic governance and always detrimental, must be checked for the Rule of Law to be restored.

In this connection, the example was raised of the provision in the new Kenyan Constitution, which states that all judges in office at the time of entry into force of the Constitution will undergo a suitability test, verifying *inter alia* individual corruption records. Although that norm had been strongly advocated for and supported by Kenyan lawyers, it was lamented that the concrete impact of the initiative had proven to be significantly less remarkable than expected, as no person from either the general public or the lawyers themselves has come forward yet to present evidence. Along the same lines, a participant observed that even in those countries where the existence of the phenomenon of judicial corruption is acknowledged, it is seldom possible to identify individual judges and members of the profession involved. It was contended

that among the primary reasons for this obstacle is that definitions and mechanisms, necessary to draw the line between who is corrupt and who is not, are rarely adequate.

By its very nature, participants argued, corruption has the potential to penetrate and spread through all layers of the administration, the justice sector and politics. Ethical codes regulating the behaviour of members of the legal profession as well as the judiciary were said to be key instruments to fight corruption. Yet laws and standards as such remain moot if they are not complemented by a well-functioning system to make judges and lawyers accountable. The management of disciplinary procedures was said to be critical for any endeavour to eliminate corruptive practices to have any significant impact. Additionally, the introduction of best practices, such as adopting strict anticorruption policies in law firms and requesting judges to declare their assets, was recommended as a valuable instrument for preventive purposes.

Common objectives:

- **Introduce appropriate codes of conducts and ensure the existence of effective mechanisms for disciplining unethical conduct**
- **Think “outside the box” to restore public confidence in justice being done and break the vicious circle of bar-bench complicity in perpetuating corruption**

Session IV: Transition and renewal of the legal profession: The post-transitional bar

The final substantive session was intended as a look forward, for participants to identify the main challenges ahead for transforming the legal profession into a credible promoter of democratic values in transitional countries. Although no country or transition is the same, the need for a renewed profession based on ethical values and strengthened professional practices emerged as a common theme from the debates. The importance of the bar in maintaining the pace of change was also emphasized: once change has commenced, the bar must provide sustainability and support for the shift.

The progress made by the legal profession in Tunisia after the ouster of former President Ben Ali’s regime was presented as an example of first steps inaugurating a new era for the country’s legal profession. One participant recalled that the new legislation adopted redefines the role of the lawyer, including an explicit reference to the defence of human rights. In addition, members of the legal profession swear to carry out their work respecting their ethical obligations; they enjoy immunity for acts and statements made in the exercise of their profession; and they may not be identified with the case they represent or be subject to investigations or prosecutions for doing their job. The role of the lawyer, it was said, has been redefined as the monitor of the progress achieved since the beginning of the revolution. Lawyers

“must defend the dignity and slogans [of human rights] and the freedom to achieve it”, as one participant expressed it.

Concerning the restructuring of bar associations “from within”, the question was raised as to how to remove from the bar those elements that used to cooperate with and support the former regime. In this context, doubts were expressed as regards the legitimacy of listing for investigation those lawyers whose connivance with the ousted regime was renowned, as this violated the principle of legality and the presumption of innocence. On the other hand, the shared concern that evidence of guilt is difficult to retrieve and produce in similar situations also emerged. As with corruption, it was said, measures and mechanisms need to be found if a genuinely independent profession is to be established, and this cannot happen without full transparency and real commitment to the Rule of Law on the part of all its members.

The great importance of not limiting the reform to one or the other ambit of the justice sector, but rather conceiving and implementing a plan that encompasses all categories of actors was also highlighted. An independent bar cannot provide an independent justice system on its own: unless the bench, the public prosecution, the police, the personnel responsible for the enforcement of custodial sentences and all the other figures upon which the fair administration of justice relies undergo a similar process of renewal, no reform can possibly have any long-lasting effects.

The belief that law and institutional reform are only the start and not the end of a real democratic transition was strongly held by participants. The essentiality of consolidating, strengthening and further advancing the protection of individual justice operators was identified as a *sine qua non* for preventing future authoritarian drifts. The legal community, it was said, bears a precise responsibility in remaining vigilant vis-à-vis any encroachment upon human rights.

Common objectives:

- **Foster integrity and professionalism of the legal profession**
- **Advocate for the introduction of legal ethics in law schools’ curriculum**
- **Lobby for a reform of all the sectors of the justice system in conformity with the Rule of Law**
- **Strive to ensure not only access to the justice system, but also to enhance its effectiveness**
- **Exercise vigilance to prevent encroachment upon human rights and freedoms**

Closing Remarks

by Mr Jan Borgen, Deputy Secretary General, ICJ

I wish to express my sincere appreciation to all participants for two days of thought-provoking presentations and lively and constructive discussions on the role of lawyers and bar associations in strengthening the Rule of Law in times of crisis and transition. We go home enriched and inspired and I am convinced that the meeting has set the stage for future collaboration and mobilisation. Indeed, we are all agents of change.

The multitude of perspectives and opinions that were addressed attest to the fact that the challenges that lawyers and other member of the legal profession face in times of crisis are very complex and not the same for all transitional situations.

And yet, some commonalities can be distinguished. It is clear that legal professionals absorb a large amount of the stress during crises: the threats, the harassment... Apart from these consistent threats to the independence of the profession, also the lawyers' capacity to administer or advocate justice under the rule of law is severely compromised in a myriad of ways. However, in spite of individual and collective difficulties, it is equally clear that legal professionals play, and continue to play, a special role as the last line of defence against the exercise of arbitrary power by political, military and other actors.

Jurists are, to quote from the resolution made at the ICJ Conference in New Delhi in 1959, "primarily responsible for the expansion and fulfilment of the Rule of Law and for ensuring that the Rule of Law is employed [...] to safeguard and advance [human] rights". This, in a nutshell, is what we talk about.

Another relevant quote, this time from the floor yesterday, is that "the independence of judges and lawyers does not exist for the sake of the judges and lawyers themselves, but for the sake of society".

In most crisis situations, lawyers therefore likely play and should play a key role in promoting and advancing the Rule of Law and democracy. Bar Associations and lawyers are, to a larger or lesser degree, involved in the process of change, providing advice and capacity.

Before we go home and become absorbed by all the tasks awaiting us there, allow me to remind ourselves of two practical matters of relevance to future action.

Firstly, I wish to underline the importance of a document that oddly enough has not been referred to at this meeting, the Geneva Declaration of Upholding the Rule of Law and the Role of Judges and Lawyers in Times of Crisis; it was adopted by the 2008 World Congress of the International Commission of Jurists.

I encourage all of you to use this important document proactively in any relevant context. Its thirteen core Principles, and the accompanying Commentary, provide concrete normative and practical guidance on the role of judges and lawyers in times of transition.

The Principles set out key elements of particular responsibility for judges and lawyers in situations of crisis to which all lawyers should adhere. They concern such areas as: the separation of powers; the function of judicial review; effective administration of justice, including through the provision of remedy and reparation; the right to a fair trial by an independent and impartial tribunal; the terms and conditions of tenure of judges; judicial responsibility in states of emergency; protection of judges and legal professionals from threats and persecution; and the accountability of judges and lawyers for unethical or criminal conduct.

The Commentary explains these elements in detail and spells out the basis in law for each of the Principles. This, the ICJ believes, will assist legal professionals and human rights advocates in making use of the Principles, in carrying out their professional functions effectively and in meeting the threats to human rights protection and to the fair administration of justice in times of crisis.

The Geneva Declaration and the accompanying Commentary are, in other words, useful tools that I encourage you to study closely.

Secondly, as evidenced by the presentations and discussions, the choice of theme of this 2nd Forum was largely inspired by the “Arab Spring” and the nascent democratic movements that have arisen in the Middle East and North Africa in recent months.

More fundamentally, however, this year’s theme was already determined in the Plan of Action set out in the above-cited Geneva Declaration. Under the Plan of Action, it is the responsibility of the ICJ - through its Centre for Independence of Judges and Lawyers - to work with the ICJ Network to assist efforts and initiatives to support and protect judges and lawyers in times of crisis. As said before, we are all agents of change and we need to stick together to support democracy and the Rule of Law.

In a comprehensive understanding of the concept “ICJ Network”, this includes all of you, participants in this Forum. If you volunteer to join the network of lawyers and judges of the ICJ and the CIJL – and I warmly encourage you to do so – this could imply the following actions, suggested explicitly in the Geneva Declaration itself.

The Declaration suggests that we assist one another in pushing and in helping the legal profession and bar associations around the world to support the primacy of the Rule of Law in times of crisis and in particular to support judges and lawyers who may be under attack, persecution or harassment;

It also suggests that we intervene more directly, by appropriate means, to support and protect judges and lawyers who are harassed or persecuted as a result of carrying out their professional duties in times of crisis.

The Geneva Declaration furthermore proposes that we collectively seek:

- (a) To monitor situations where the institutional independence and effectiveness of the judiciary as such is threatened or under attack;
- (b) To challenge, through advocacy and litigation, any legislation or other action that puts at risk or undermines the independence and effectiveness of the judiciary and the

legal profession and their essential missions to protect human rights and the Rule of Law;

(c) To provide relevant information on the independence of the judiciary and the legal profession in times of crisis to the United Nations and regional organisations and to insist they undertake action to protect judges and lawyers under attack.

The Geneva Declaration and its Plan of Action, in other words, can inspire us to take joint initiatives and be a source of inspiration. The many proposals made over the last two days are a second source.

What I am getting at, is that valuable sources of information and inspiration exist, when you take on your heavy but essential responsibilities in troubled countries. First and foremost, however, we should establish a working relationship amongst ourselves, so that we may develop meaningful measures to benefit the legal profession, the judiciary and society in situations of crisis.

For that, the ICJ will stay in touch with you; I hope you will return our call.

Annex 1: Agenda of the 2nd ICJ Geneva Forum of Judges and Lawyers

08:30-09:45

Welcome and registration of participants

09:45-10:30

Opening ceremony

Mr Wilder Tayler, Secretary General, International Commission of Jurists

Mr Graham Leung, Director, Centre for the Independence of Judges and Lawyers, International Commission of Jurists

Opening address: **Justice Kalthoum Kennou**, Judge, Tribunal of Tozeur and ICJ Commissioner, Tunisia

10:30-12:30

Session I: The status of bar associations and the independence of the legal profession under authoritarian regimes

Under authoritarian regimes the bar is often purposely marginalized through the resort to a wide range of unlawful practices and institutional measures which include systematic violations of lawyer-client relationship, distorted use of contempt of court proceedings against legal practitioners and enactment of ouster clauses shielding governmental actions from judicial review. In some cases, bar associations are transformed into government “tools” and used to exercise direct control over members of the legal profession and, through them, the judiciary. Lawyers taking up cases on behalf of disfavoured clients can easily find themselves isolated and ostracized within the profession and subject to all kinds of pressures and threats. As a result, lawyers may be prevented from freely discharging their professional responsibilities to the detriment of their clients and the fair and effective administration of justice.

Keynote speaker: **Mr Muhannad Al-Hassani**, Human rights lawyer and ICJ Commissioner, Syria

Moderator: **Mr Thomas Masuku**, Former judge, High Court of Swaziland

Debate

12:30-14:00

Lunch break

14:00-15:45

Session II: Reforming for the future, accounting for the past - The contribution of bar associations to revamping the justice system in countries in transition

Countries in transition to democracy often have to cope with fragile and dysfunctional political, economic and legal institutions. In the face of regulatory frameworks either completely lacking or totally unsuited for the “democratic refit”, constitutional and criminal law reforms are crucial for establishing solid foundations for States to function as democracies under the Rule of Law. Addressing the shortcomings of the legislative system on a day-by-day basis, the organized legal profession has a unique contribution to offer in promoting, stimulating and guiding legislative and institutional reforms aimed at ensuring that constitutional and ordinary legislation incorporate contemporary human rights law and standards.

Keynote speaker: Mr Basil Fernando, Director, Asian Human Rights Commission

Moderator: Mr Bill Meyer, Attorney-at-law, Colorado (USA)

Debate

15:45-16:15

Coffee break

16:15-18:00

Session II (cont.): Fighting impunity in transition: The responsibility of the legal profession in promoting access to justice and ensuring effective remedy for human rights violations

Societies emerging from long periods of authoritarian rule often have to come to terms with large-scale human rights violations. For a full accounting of past violations to occur, for the perpetrators of human rights violations to be identified and held accountable, for victims’ right to redress to be acknowledged and satisfied, a broad range of laws, processes, mechanisms and institutions need to be put in place. Legal aid services need to be created and developed in a timely and resolute manner. As far as transitional justice mechanisms are concerned, the legal profession must be a leading force in the quest for human rights accountability by helping designing, establishing and promoting such mechanisms and ensuring their effectiveness. Among the issues to be addressed during the session, what is the responsibility of lawyers to protect human rights vis-à-vis governmental attempts to obstruct remedies and block investigations and prosecutions against present and former State officials in the case of serious human rights violations?

Keynote speaker: Ms Ibtisam Alkilani, General Counsel, Lawyers for Justice in Libya

Moderator: Mr Ian Seiderman, Legal and Policy Director,
International Commission of Jurists

Debate

18:15-19:15

Reception, International Conference Centre Geneva

09:00-11:00

Session III: The role of the legal profession in the fight against corruption and the shift to the democratic paradigm

After years or decades under authoritarian regimes, individuals who have been victims of human rights violations and injustice commonly come to associate the law with oppression and conceive the legal framework as a coercive tool to ensure obedience to government's will. Lawyers are sometimes accused of contributing to legitimizing the regime's misdeeds by putting their legal skills in the service of dismantling democratic institutions and the Rule of Law. Endemic corruption proliferates through well-rooted networks of judges, lawyers, police officers and other representatives of public institutions kept compliant to the wishes of the administration through political patronage and accustomed to working in concert for the benefit of one another to the detriment of the justice system. For the organized legal profession, the challenge of overcoming a generalised loss of confidence in the justice sector can represent at the same time a unique opportunity to carve out a new role for its members as key players in helping replacing corruption with transparency and distrust of justice with a sense of citizenship, equality and ownership.

Keynote speaker: Dato' Ambiga Sreenevasan, former President, Malaysia Bar Association

Moderator: Dr Hakeem Yusuf, Lecturer, Queen's University School of Law

Debate

11:00-11:30

Coffee break

11:30-13:15

Session IV: Transition and renewal of the legal profession: The post-transitional bar

In the aftermath of the fall of an authoritarian regime the perceived connivance with the ousted executive sometimes results in a loss of moral authority of the legal profession. For reversing the trend and letting lawyers become innovative and credible promoters of democracy, all vestiges of the old regime corrosive to the Rule of Law must be dismantled, individual ethical, disciplinary and criminal responsibilities addressed and crucial decisions taken on the future and the management and leadership of the bar. Legal education and training institutions need to be up to the task of training and sensitizing future

lawyers to their ethical and social obligations and on how to use law as a creative instrument for democratic change. Bar associations bear the responsibility for revising, adopting and enforcing codes of professional conduct based on lawyer's fundamental obligation to protect and promote human rights in line with international standards on the role and the independence of the legal profession. Whenever they exist, local civil society organisations should support bar associations in the effort to facilitate communication and exchange between legal practitioners in post-authoritarian countries and the international and regional professional community.

Keynote speaker: Mr Abderrazek Kilani, President, Tunisia Bar Association

Moderator: Mr Arnold Tsunga, Director, Africa Regional Programme, International Commission of Jurists

Debate

13:15-14:30

Lunch Break

14:30-16:00

Way forward

Moderator: Mr Graham Leung, Director, Centre for the Independence of Judges and Lawyers, International Commission of Jurists

Debate

16:00-16:15

Closing remarks: Mr Jan Borgen, Deputy Secretary General, International Commission of Jurists

Annex 2: List of Participants

Kenneth Akide

Chairman, Law Society of Kenya

Ibtisam Alkilani

General Counsel, Lawyers for Justice in Libya

Ace Anan Ankomah

Lawyer, Ghana Bar Association

Muhammad Al-Hassani

Human rights lawyer and ICJ Commissioner, Syria

Rabia Ben Ali

Legal Programme Associate, International Bridges to Justice

Jan Borgen

Deputy Secretary General, ICJ

Ugo Cedrangolo

UN High Commissioner for Human Rights, Special Procedures Division

Sabela Dlamini

Lawyer, Swaziland

Basil Fernando

Director, Asian Human Rights Commission

Mohamed Rached Fray

Secretary General, Tunisia Bar Association

Michelle Gallardo de Gutierrez

Senior Partner, ACZALAW Central American Firm

Lucky Howe

Lawyer, Swaziland

Joost Italianer

Board Member, Lawyers for Lawyers, Netherlands

Daniyar Kanafin

Barrister, Almaty Collegium of Defence Lawyers, Kazakhstan

Mahmoud Kandil

Human rights lawyer, Egypt

Kalthoum Kennou

Judge, Tribunal of Tozeur and ICJ Commissioner, Tunisia

Abderrazek Kilani

President, Tunisia Bar Association

Sanjeewa Liyanage

International Programme Director, International Bridges to Justice

Graham Leung

Director, Centre for the Independence of Judges and Lawyers, ICJ

Qinisile Mabuza

Judge, Swaziland

Mbufto Mamba

Judge, Swaziland

Thomas Masuku

Former judge, High Court of Swaziland

Bill Meyer

Attorney-at-law, Colorado (USA)

Marie-Pierre Olivier

Senior Programme Lawyer, IBA Human Rights Institute

Carlos Reyes Sabillón

Judge, Trial Court of Tela, Honduras

Lucy Scott-Moncrieff

Vice-President, Law Society of England and Wales

Ian Seiderman

Legal and Policy Director, ICJ

Dato' Ambiga Sreenevasan

Former President, Malaysia Bar Association

Wilder Tayler

Secretary General, ICJ

Irina Tabirta

UN High Commissioner for Human Rights, Special Procedures Division

Arnold Tsunga

Director, Africa Regional Programme, ICJ

Ilan de Vré

Member, Judges for Judges, Netherlands

Hakeem Yusuf

Lecturer, Queen's University School of Law

Carol Zardetto

Barrister, Guatemala

Annex 3: Information on Participants

Kenneth Akide

Chairman, Law Society of Kenya

Kenneth Akide is an Advocate of the High Court of Kenya and Chairman of the Law Society of Kenya. As Chairman of the Law Society, he spearheaded civic education programs pre and post the promulgation of the new constitution of Kenya. Kenneth sat on the panel that recruited the board vetting Kenyan magistrates and judges, and was member of the panel that selected the new Director for Public Prosecutions. Kenneth also served on the Task Force on Devolved Government of Kenya. Currently he is member of the Steering Committee for Judicial Transformation and Administration of Justice.

Ibtisam Alkilani

General Counsel, Lawyers for Justice in Libya

Ibtisam Alkilani is a Libyan-French lawyer. She is the co-founder and General Counsel of Lawyers for Justice in Libya, an association registered in Paris and London. Lawyers for Justice in Libya was established on February 27, 2011 by a group of Libyan lawyers based outside Libya with the aim, *inter alia*, of defending justice and the principles of human rights and fundamental freedoms in Libya. The organization works with lawyers based in Benghazi and other Libyan cities in the west of the country, including Zawiyah, Misrutah and Tripoli. Before the beginning of her experience with Lawyers for Justice in Libya, Ibtisam practised law in France and Libya, and she was Legal Advisor for the UNHCR.

Ace Anan Ankomah

Lawyer, Ghana Bar Association

Ace Anan Ankomah is the Managing Partner and Head of the Litigation & Dispute Resolution Practice Group at Bentsi-Enchill, Letsa & Ankomah. Ace Anan is in his 20th year of legal practice. He is also a Senior Lecturer of Civil Procedure at the Ghana School of Law.

Muhannad Al-Hassani

Human rights lawyer and ICJ Commissioner, Syria

Muhannad Al-Hassani is a Syrian lawyer and human rights defender. He is currently serving his first term as ICJ Commissioner following his election in 2008. Muhannad has defended several human rights defenders in prominent cases before exceptional and military courts in Syria. In 2004, he jointly established the Syrian Organization for Human Rights (SWASIAH). In 2009 he was arrested in Syria for his human rights and Rule of Law work, and on 23 June 2010 he was sentenced to imprisonment for three years in Syria. Muhannad Al-Hassani received the 2010 Martin Ennals Human Rights Award.

Rabia Ben Ali

Legal Program Associate, International Bridges to Justice

Rabia Ben Ali has worked as a researcher at the University of Geneva where she was in charge of project management. Subsequently, Rabia practised in a law firm in Geneva with a focus on general legal practice. She is specialized in criminal law. In July 2011 she joined International Bridges to Justice (IBJ) as a Legal Program Associate. Rabia is currently working on IBJ projects in Egypt and Tunisia.

Jan Borgen

Deputy Secretary General, ICJ

Jan Borgen is a Norwegian attorney-at-law, with degrees from the University of Oslo. He has been a Visiting Scholar at the University of California. He is specialised in international human rights law and international humanitarian law. Before joining the ICJ in February 2009 he was Secretary General of Transparency International Norway and Amnesty International Norway. He also has a background in legal practice and the private sector as well as from work as a senior legal advisor for humanitarian organizations and the UNHCR in conflict zones.

Sabela Dlamini

Lawyer, Swaziland

Sabela Dlamini is a partner at Magagula & Hlophe Attorneys. Sabela has been a member of the governing council of the Law Society of Swaziland since 2009. He started his career in the Attorney General's chambers. Sabela has participated in numerous legal seminars and workshops on issues related to human rights, administration of justice, and commercial law. He possesses a Bachelor of Arts and a Bachelor of Laws (LLB), both obtained from the University of Swaziland.

Basil Fernando

Director, Asian Human Rights Commission

Basil Fernando is a human rights activist particularly engaged in the elimination of police torture in Sri Lanka and several countries in Asia. He was the Executive director of the Asian Human Rights Commission (AHRC) and Asian Legal Resource Centre (ALRC) from 1994 to July 2010, and now continues with the same organization as their Director for policy and programs. He designed the redevelopment of the two organizations, with the perspective development of human rights to answer the need of countries in Asia and 'non-Rule of Law' contexts. In 2001 he won the Gwangju Prize for Human Rights, which honors "individuals, groups or institutions in Korea and abroad that have contributed in promoting and advancing human rights, democracy and peace through their work."

Mohamed Rached Fray

Secretary General, Tunisia Bar Association

Mohamed Rached Fray has been the Secretary General of the Tunisia Bar Association since 2010, after joining the Bar Council in 2007 and becoming a member of the regional section of the Bar Association in 2004. Mohamed Rached Fray is an Advocate of the Court of Appeal of Tunis and the Supreme Court of Tunisia.

Michelle Gallardo de Gutierrez

Senior Partner, ACZALAW Central American Firm

Michelle Gallardo de Gutierrez is a notary and lawyer from El Salvador. She has been a professor of International Private Law. Among the several positions she has occupied in the public sector, she has been Vice-Minister for Tourism and Environment, Advisor to the Vice-President of El Salvador, and also Advisor to the Judicial Minister for External Relations. In the private sector, she has been Director of Institutional Relations for TELECOM. Currently she is the President of the Centre for Juridical Studies and a member of the Directive Board of the Federation of Lawyers of El Salvador – FEDAES.

Lucky Howe

Lawyer, Swaziland

Lucky is a partner who practises in the general area of corporate law and commercial litigation. He is an Associate member of the Association of Arbitrators (Southern Africa). He holds a Bachelor of Arts and Bachelor of Laws (LLB), both from the University of Swaziland. He also possesses a Bachelor of Laws from the University of Natal. Lucky obtained a Certificate in Building and Construction Law from the Association of Arbitrators.

Joost Italianer

Board Member, Lawyers for Lawyers, Netherlands

Daniyar Kanafin

Barrister, Almaty Collegium of Defence Lawyers, Kazakhstan

Daniyar Kanafin is a lawyer of the Almaty City Bar, and was recognized in 2009 by the Kazakhstan Union of Advocates as the 'Advocate of the Year'. He has published more than 55 scientific editions and has been the Dean of the Justice Faculty in the Kazakh Humanitarian-Legal University.

Mahmoud Kandil

Human rights lawyer, Egypt

Mahmoud Kandil is a human rights lawyer and former head of the Monitoring and Documentation Unit at the Egyptian Organisation for Human Rights (EOHR). He is an advisor for the Arab Institute for Human Rights (AIHR), Tunisia, and for the Arab Organisation of Human Rights. He has published more than 30 articles on human rights, democracy and civil society.

Kalthoum Kennou

Judge, Tribunal of Tozeur and ICJ Commissioner, Tunisia

Kalthoum Kennou is Investigating Judge at the Tribunal of Tozeur in Tunisia. She previously served as Investigating Judge at the Tribunal of Kiraouan (2005 – 2010) and Judge at the Court of Appeal of Tunis (2001-2005). She is an active member of the Tunisian Judges' Association, and served as its Secretary General in 2005. She is a strong advocate in support of the Rule of Law and the independence of the judiciary in Tunisia, where she has been subject to professional and personal attacks as the result of her work.

Abderrazek Kilani

President, Tunisia Bar Association

Abderrazek Kilani was the founder and Secretary General of the Tunisian Centre for the Independence of the Judiciary and Legal Profession. He was seated as a judge for the War Crimes and Crimes Against Humanity Trial of George Bush following the 1992 Gulf War. He is currently President of the Tunisia Bar Association.

Graham Leung

Director, Centre for the Independence of Judges and Lawyers, ICJ

Graham Leung is a former President of the Fiji Law Society and Chairman of the Electoral Commission of Fiji. He is a senior Vice President of Law Asia, a member of the Council of the Commonwealth Lawyers Association and an executive of the International Bar Association's Pro Bono and Access to Justice Committee. Mr Leung is the current Director of the International Commission of Jurist Centre for the Independence of Judges and Lawyers (CIJL).

Sanjeewa Liyanage

International Program Director, International Bridges to Justice

Sanjeewa oversees International Bridges to Justice international portfolio of programs and is working to develop new initiatives that bring IBJ methodologies to defenders worldwide. He represented the Asian Legal Resource Centre at numerous UN forums including the Commission on Human Rights and the Human Rights Committee in Geneva, preparatory meetings leading to the World Conference against Racism in Warsaw and Bangkok and the Committee against Torture. Sanjeewa was the East Asian focal point for the NGO Coalition for International Criminal Court (CICC).

Qinisile Mabuza
Judge, Swaziland

Mbafto Mamba
Judge, Swaziland

Thomas Masuku
Former Judge, High Court of Swaziland

Thomas Masuku is a former Justice of the High Court of Swaziland and the High Court of Botswana. Following a decade of service to the High Court, Thomas Masuku is currently employed as a Consultant to ICJ Africa Programme. He is also a member of the Committee of Experts of the ICJ.

Bill Meyer
Attorney-at-law, Colorado (USA)

William Meyer is a lawyer practising in Boulder, Colorado. For the past twenty years, he has worked on Rule of Law issues in more than twenty transitional and post-conflict countries in Eastern Europe, the former Soviet Union, the Middle East, Africa and Asia. He presently serves as the Chair of the International Legal Assistance Consortium (ILAC) based in Stockholm, and recently returned from a fact-finding mission to Libya for ILAC and the Arab Organization for Human Rights.

Marie-Pierre Olivier
Senior Programme Lawyer, IBA Human Rights Institute

Marie-Pierre Olivier is a Senior Programme Lawyer at the International Bar Association's Human Rights Institute (IBAHRI). She is a member of the Quebec Bar in Canada. Marie-Pierre's work for the IBAHRI is focused on African countries and she has managed projects in the Democratic Republic of Congo, Zambia and Zimbabwe, among others. She also works on the IBAHRI international criminal law trainings and publications.

Carlos Reyes Sabillón
Judge, Trial Court of Tela, Honduras

Carlos is currently sitting as a judge at the Trial Court of Honduras. He has been a member of Directive Board of the Association of Judges for Democracy in Honduras since 2009. Before sitting as a judge, between 1998 and 2002 Carlos practised as a Public Defender.

Lucy Scott-Moncrieff
Vice-President, Law Society of England and Wales

Mental health and human rights lawyer Lucy Scott-Moncrieff is the managing partner of Scott-Moncrieff and Associates LLP, a virtual law firm with a national reach acting for legally aided and privately paying clients in England. The firm specialises in representing detained patients, life sentence prisoners and vulnerable children and young people. Lucy was a founder member of the QC Appointments Panel, was a Commissioner with Postcomm from 2008 to 2011, and is an Associate with Verita, which carries out investigations on behalf of public bodies. In 2011 she won the Association of Women Solicitors' award for best manager of a legal aid practice.

Ian Seiderman

Legal and Policy Director, ICJ

Ian Seiderman is ICJ Legal and Policy Director. From September 2005 to July 2008 Ian was Senior Legal Adviser for Amnesty International, leading the organization in providing advice on international law and in the development of policies and strategies to influence progressive development of international law. From 2001 to 2005 Ian worked as Legal Adviser for the ICJ and provided legal advocacy and policy formulation on human rights and Rule of Law.

Dato' Ambiga Sreenevasan

Former President, Malaysia Bar Association

Dato' Ambiga Sreenevasan has been the President of the Malaysian Bar from 2007 to 2009. She practises commercial litigation, specifically corporate, intellectual property and industrial law litigation. She is also actively involved in public interest litigation. She is a recipient of the United States Secretary of State's International Women of Courage Award for the year 2009. Ambiga is currently Chairperson of Bersih 2.0, a civil society movement for free and fair elections. She is also Co-Chairman of the Bar Council Committee on Orang Asli Rights. She is a member of the executive committee of the Human Rights Organisation (HAKAM). On 23rd September 2011, she was awarded the "Chevalier" of the French Order of the "Légion d'Honneur" for her work in human rights.

Wilder Tayler

Secretary General, ICJ

Wilder Tayler, a Uruguayan lawyer, is ICJ Secretary General, having worked as Deputy Secretary General between 2007 and 2009. Before then, he was Legal and Policy Director of Human Rights Watch from 1997 to March 2007, acting as the organization's principal policy and legal advisor and having particular responsibility for the development and application of organizational policies.

Arnold Tsunga

Director, Africa Regional Programme, ICJ

Arnold Tsunga is the Director of the ICJ Africa Programme. A highly experienced human rights lawyer, he is also the founding Executive Director of Zimbabwe Lawyers for Human Rights and a past Executive Secretary of the Law Society of Zimbabwe. Arnold has earned a number of honors, nominations, and awards for his efforts to promote Rule of Law in Zimbabwe and the African region.

Ilan de Vré

Member, Judges for Judges, Netherlands

Ilan de Vré represents the Dutch Foundation 'Judges for Judges'. The Foundation supports fellow judges abroad who have experienced or may experience problems whilst practising their profession, for example if their independence is being violated or threatened or if they are being put under pressure. Ilan works at the Legal Research Office of the Supreme Court of the Netherlands, as assistant to Attorney-General Timmerman. Before, he was an attorney in the field of Intellectual Property, ICT and Media, with a focus on freedom of speech matters.

Hakeem Yusuf

Lecturer, Queen's University School of Law

Hakeem Yusuf currently lectures at Queen's University School of Law (Belfast). He teaches generally in Human Rights, Criminal Justice, Transitional Justice and Legal Theory. He has lectured on, organised, and participated in international human rights and transitional justice courses and conferences in Netherlands, Belgium, the United States, United Kingdom and Northern Ireland. Recently, he won the Highly Commended Award, Emerald Literati Network Awards, 2009 for his article 'Democratic Transition, Judicial Accountability and Judicialisation of Politics in Africa: The Nigerian Experience'.

Carol Zardetto

Barrister, Guatemala

Carol Zardetto is a lawyer and manager with over 25 years experience working on legal, ministerial and anti-corruption projects. Through her work, dedicated in the last six years to the strengthening of institutions and the Rule of Law, she has designed a model to articulate the Anticorruption Unit of the Ministry Public and the National Police Force; worked on the strengthening of civil society in several countries in Central America; and established an anticorruption project for the Probity Commission of the Congress of Guatemala, for which she received an award from the US Embassy.