

innovations

TECHNOLOGY | GOVERNANCE | GLOBALIZATION

Realizing Rights

Lead Essays

Mary Robinson Fulfilling Humanity's Promise to Itself

Peter Eigen Removing a Roadblock to Development

Cases Authored by Innovators

Moving Images: WITNESS and Human Rights Advocacy

Peter Gabriel, Gillian Caldwell, Sara Federlein, Sam Gregory, and Jenni Wolfson

commentary by Peter Walker

Empowering the Rural Poor to Develop Themselves

Bunker Roy with Jesse Hartigan

commentaries by John Elkington; Martha Stone Wiske

From Fear to Hope: Upholding the Rule of Law via Public Defenders

Karen Tse

commentary by Kenneth Neil Cukier

National Democratic Institute: SMS as a Tool in Election Observation

Ian Schuler

commentary by Jorrit de Jong

Analytic and Policy Articles

Robert Faris, Stephanie Wang and John Palfrey Censorship 2.0

John Ruggie A Framework for Business and Human Rights

innovations

TECHNOLOGY | GOVERNANCE | GLOBALIZATION

Lead Essays

- 3 Realizing Rights: Fulfilling Humanity's Promise to Itself
Mary Robinson
- 19 Removing a Roadblock to Development: Transparency
International Mobilizes Coalitions Against Corruption
Peter Eigen

Cases Authored by Innovators

- 35 Moving Images: WITNESS and Human Rights Advocacy
**Peter Gabriel, Gillian Caldwell, Sara Federlein, Sam Gregory,
and Jenni Wolfson**
- 61 *Case discussion:* WITNESS
Peter Walker
- 67 Empowering the Rural Poor to Develop Themselves:
The Barefoot Approach
Bunker Roy with Jesse Hartigan
- 94 *Case discussion:* Barefoot College of Tilonia
John Elkington
- 103 *Case discussion:* Barefoot College of Tilonia
Martha Stone Wiske
- 109 From Fear to Hope: Upholding the Rule of Law
via Public Defenders
Karen Tse
- 135 *Case discussion:* International Bridges to Justice
Kenneth Neil Cukier
- 143 National Democratic Institute: SMS as a Tool in Election
Observation
Ian Schuler
- 159 *Case discussion:* National Democratic Institute
Jorrit de Jong

Analysis

- 165 Censorship 2.0
Robert Faris, Stephanie Wang, and John Palfrey
-

Perspectives on Policy

- 189 Protect, Respect, and Remedy: A Framework for
Business and Human Rights
John Ruggie
-

Organization of the Journal

Each issue of *Innovations* consists of five sections:

1. **Invited essay.** An authoritative figure addresses an issue relating to innovation, emphasizing interactions between technology and governance in a global context.
 2. **Cases authored by innovators.** Case narratives of innovations are authored either by, or in collaboration with, the innovators themselves. Each includes discussion of motivations, challenges, strategies, outcomes, and unintended consequences. Following each case narrative, we present commentary by an academic discussant. The discussant highlights the aspects of the innovation that are analytically most interesting, have the most significant implications for policy, and/or best illustrate reciprocal relationships between technology and governance.
 3. **Analysis.** Accessible, policy-relevant research articles emphasize links between practice and policy—alternately, micro and macro scales of analysis. The development of meaningful indicators of the impact of innovations is an area of editorial emphasis.
 4. **Perspectives on policy.** Analyses of innovations by large scale public actors—national governments and transnational organizations—address both success and failure of policy, informed by both empirical evidence and the experience of policy innovators. The development of improved modes of governance to facilitate and support innovations is an area of editorial focus.
 5. **Letters.** Readers comment on essays and papers published in previous issues.
-

mitpressjournals.org/innovations
innovationsjournal.net

From Fear to Hope

Upholding the Rule of Law via Public Defenders

Innovations Case Narrative:
International Bridges for Justice

Every day in countries throughout the world, citizens are arbitrarily detained, tortured, and denied access to counsel. In recent years, however, the majority of transitional and post-conflict countries have demonstrated their commitment to human rights by signing international conventions and passing domestic laws to safeguard citizen rights. Unfortunately, many of these new laws remain unenforced due to a lack of trained lawyers, legal infrastructure, and resources. As a result, torture remains the instrument of choice as the cheapest form of investigation. Although this human rights issue threatens millions of people all over the world, the human rights advocacy community has focused much of its efforts on higher profile political prisoners and on developing the international and local prosecutorial side of the justice system. Without support for the local implementation of the rule of law, which includes effective defense counsel, the vast majority of ordinary citizens are still left vulnerable to everyday practices of brutality and lack of due process rights.

International Bridges to Justice (IBJ) was founded to fill this gap by focusing on the local implementation of laws safeguarding citizen rights and by strengthening the critical, and most often neglected, defender side of the scale. IBJ aims to ensure that citizens in all countries have access to basic legal rights, including competent representation, protection from torture, and a fair trial.

IBJ started in 2001 with a focus on China. For the past six years, IBJ has helped bring about both widespread and targeted changes in China. For instance, IBJ conducted criminal defense training in China in a unique partnership with public authorities. It also has held nationwide annual public awareness campaigns that China's legal aid community heralded as the start of a legal rights revolution. An example of a more targeted change is the opening of the first juvenile interrogation room in Sichuan Province, China. Equipped with video recording equipment for interrogations, this room ensures better protection of juvenile defense rights. As part of this initiative, legal aid lawyers will also be given timely access to inter-

Karen Tse is the Founder and CEO, International Bridges. She was elected as an Ashoka Fellow in 2004, and in 2005 was the recipient of a Skoll Award for Social Entrepreneurship.

rogation documents, allowing them to challenge problems with police procedures. More recently, IBJ hosted two events—one in Dublin, Ireland, and one in Washington, DC—where grassroots Chinese defenders received training from members of international law societies and public defender offices.

With its success in China, IBJ received numerous requests to support defenders and expand its reach to other countries. IBJ circulated over a million advisement of rights brochures and posters in China, Cambodia, Burundi and Rwanda. IBJ has trained over 10,000 lawyers in China, Vietnam, Cambodia, and Burundi and has produced a practical Defender Toolkit for over 500 Legal Aid Centers in China and Cambodia.

A toolkit for Zimbabwean lawyers is near completion. In India, two newly elected IBJ fellows are making headway. More recently, a preliminary legal needs assessment in Guatemala and El Salvador resulted in promising partnerships. And most recently, IBJ has expanded its programming into Africa, with the launch of the first advisement of rights campaigns in Rwanda and Burundi, and has also begun work in Zimbabwe.

Through these efforts, which move forward country-by-country, case-by-case, poster-by-poster, IBJ seeks to support the critical work of defenders and build the surrounding infrastructure to enable them. These defenders are the first line of protection for everyday citizens. It is they who uphold the law. Without them, the criminal justice system becomes an unjust, unbalanced prosecution machine. Yet courageous defenders are often themselves under attack and resources for their work is sorely lacking. IBJ's task to support them is immense and at times seems overwhelming,

In addition to training and building the legal infrastructure, a shift in consciousness must underlie the changes in order for the laws to take root. None of this is possible without bringing together the concerted efforts of the worldwide community to support this endeavor.

This is no easy task. Yet, with the progress IBJ has made, and with its strategic plans for the future, we are paving the road as we walk on it.

THE GENESIS

From 1994 to 1997, I worked in Cambodia as a lawyer doing aid work for both the United Nations and the International Human Rights Law Group. During that time, I experienced pivotal moments that shifted my perceptions of approaches to international human rights dramatically and inspired me to found IBJ in 2001.

The Boy who Stole a Bicycle

One of these pivotal moments came when, as part of my work with Cambodian prisoners, I peered through the bars of a cell and talked with a young boy whose only crime was an attempt to steal a bicycle. He had been detained, tortured by the police, and was languishing in prison. Like most prisoners in Cambodia, he had no lawyer or human rights worker to defend him or safeguard his rights. He had no

pending trial date to determine his guilt or innocence. I flashed back ten years to my college days, organizing letter-writing campaigns for political prisoners. We had demanded that they be free from torture and be granted their right to fair and speedy trials. But as I came face to face with this young boy, I realized that neither I nor my fellow students would have written a letter for him. He was not a political prisoner; he was just an unimportant little boy whose mischief had landed him in prison indefinitely.

The prison guards did not appear concerned that I was talking to this boy who bore obvious signs of beating. They didn't have much to hide; the use of force to extract confessions was just a part of standard police operating procedures. As I looked at this boy, I wondered why his interests had never attracted my attention before.

Perhaps ten years earlier, there was little that we could have done for this boy. But during the last decades of the 20th century, governments throughout Asia, including Cambodia, Vietnam, and China, had passed new laws outlawing torture and providing citizens with basic rights, including the right to a defender. But citizens like this boy were unimportant to the government. The denial of their basic rights now had less to do with policy and more to do with history and the vestiges of an old legal system that formerly tolerated and even condoned this denial of rights.

In this boy, I saw thousands like him who would be the direct beneficiaries of a functioning criminal justice system with a standard of basic human rights. By helping these countries to implement their own domestic laws consistent with human rights principles and helping to safeguard prisoner rights, we had the opportunity to drastically improve and perhaps even save the lives of everyday citizens.

The Training of the Guard

My second shift in perception came through work I started in 1994 with two colleagues from the United States. We had come to Cambodia to set up a project that would provide the first intensive training to a select group of 25 human rights activists who would later become the country's first core group of trained public defenders.

At that time, the Cambodian legal system was in shambles. Fewer than ten attorneys had survived the Khmer Rouge period. Although the new laws provided for the "right to a defender," notions of defendant rights were foreign. Few people knew or understood the significance of these laws. No structures or procedures were in place to implement them. And during the recruiting process, applicants said that they would likely be criticized for holding the courts accountable to the new laws.

On one of the first days of the 10-month training, I asked my new students to tell me of their experience and understanding of conducting investigations for criminal cases. After a brief period of silence, Peung Yok Hiep, the oldest and most

respected woman of the class, finally stood up and said, “Nekru (teacher), I am the most experienced of defenders here. I have defended in over 100 trials, including murder trials, but I have never had the need to conduct an investigation... because all the criminal cases already have confessions.” I quickly became aware of how commonplace it was for people to accept torture-induced confessions as truth.

However, as the defenders became aware of the rationale behind the new laws that outlawed the use of torture to obtain coerced confessions, their attitudes shift-

ed quickly. These defenders became staunch advocates against the use of coerced confessions and became strongly committed to challenging their use in court.

But their own desire for change in the system was not enough. From the inception, there were problems with the Cambodian government and Ministry of Justice, which initially did not want defenders to be trained and organized. The judges, prosecutors and police officers, who had long held almost absolute power, felt similarly. They did not like

the idea of defenders suddenly holding them accountable to laws and challenging their way of doing things. As a new public defender movement, these defenders literally had to push themselves into the intractable old system and create a role for themselves amidst great opposition from the established order which had not invited their presence. This included resistance and opposition not only from the Cambodian government, court, and prison officials, but also from segments of the international community that did not see defender work as a priority.

Yet, despite these impediments, these defenders slowly began to effect change. Not long after role-playing numerous “motions to suppress” in class, Peung Yok Hiep boldly rose during court. As she waved her client’s bloody shirt, she asked the defendant to bend down so that she could show the judge and prosecutor the three holes in the defendant’s head that had been inflicted during interrogation. She indignantly asked the court to respect the letter of the law. Although she was not successful in this case, months later the same judge finally granted the first motion

I realized that, though the emerging criminal justice systems had within them the potential to protect everyday citizens, in most countries these citizens were most likely to be left unprotected from from abuse, torture, and coercion. With the lack of support for defenders, the first line of defense against abuse, this would only continue.... In this gap, I saw an opportunity to make a difference.

to suppress in the country, thereby freeing a formerly pregnant woman who bore cigarette burns and had miscarried during beatings that occurred during her interrogation.

By successfully gaining access to prisoners, establishing norms that called for their representation in court, and setting up the first public defender offices throughout the country, these defenders established their presence and changed the human rights landscape in Cambodia.

Putting it All Together

These courageous defenders were standing up and literally changing the course of history on a day-by-day, case-by-case basis. Yet despite the critical importance of their work, support of these defenders was most often viewed by international aid groups as unimportant. They prioritized their support in favor of those already in power—the judges, prosecutors, and police. Even though the defenders were making progress, international support for these Cambodian defenders was severely cut.

Cambodian defenders are not alone in this situation. The defenders, focused on rights of the accused, are the most neglected and under-acknowledged group of human right defenders in the world. Their presence, at the early stage of a case, is one of the strongest guarantors of human rights. Their work is critical to the birth and sustainability of a stable society. Recent laws strengthening citizen rights throughout the world have been passed. Yet very little international attention is focused upon the further development and implementation of their criminal justice laws and support for defenders is paltry. I realized that, though the emerging criminal justice systems had within them the potential to protect everyday citizens, in most countries these citizens were most likely to be left unprotected from abuse, torture, and coercion. With the lack of support for defenders, the first line of defense against abuse, this would only continue.

In this gap, I saw an opportunity to make a difference. Given the passage of new criminal laws in countries throughout the world, the question was not whether the change was possible, but whether we as a world community had an enduring commitment to making it happen.

DEFINING IBJ: STRATEGICALLY AND SPIRITUALLY

Filling the Gap: The IBJ Strategy

In 2000, in my last year of divinity school, I began to put together a strategic plan for IBJ to seize this opportunity. IBJ set out to create a community of individuals in the United States, Europe, and elsewhere who will join forces with human rights defenders and legal aid lawyers in Asia to ensure effective defense counsel for each and every child, woman, and man held in detention. IBJ filled a specific unmet niche market in the non-profit arena as an organization that approaches human rights through a specific commitment to the legal development of criminal justice systems in Asia. While there were existing organizations whose mission serves at a

cross section to the work of International Bridges to Justice, there is no organization whose sole mission is to specialize in this area and whose work is committed to organizing paid and volunteer resources and expertise abroad to provide services and assist in the development of legal systems for criminal justice in countries in Asia. IBJ aimed to find its niche by partnering with local groups and supporting local defenders in strengthening their legal skills, advocacy skills both in and out of court, and helping them to develop sufficient organizational capacity to carry out their mission.

IBJ focused initially on the countries of China, Vietnam, and Cambodia, where legal rights were supported by statute, but not in practice. To this end, International Bridges to Justice significantly supports and enhances local and government legal aid efforts in Asia to protect citizen rights and to implement existing criminal laws through providing training partnerships, legal and administrative structural support, and material assistance.

IBJ's original strategic plan listed three goals:

Goal 1: Provide direct technical support and training to emerging legal aid organizations in Asia.

Goal 2: Build International Communities of Conscience to support emerging legal aid organizations in Asia.

Goal 3: Advocate and support the prioritization of just and effective criminal justice systems on the agenda of organizations involved with international human rights and legal development.

Today our goals remain the same. We have further developed the methodology based on the many lessons we have learned through our initial projects. In response to global demand, we have expanded our scope by reaching out to Latin America, Eastern Europe, and Africa and by developing ways to scale our efforts.

Transformative Power: The IBJ Spirit

During my time in Cambodia, I learned a third powerful lesson. This lesson led to what would become the spiritual foundation of IBJ and the guiding principal behind all of IBJ's work.

In 1996, I was working for the United Nations as a "judicial mentor" training judges, prosecutors, and police officers in Kandal province. One of my duties was to confront police officers about their routine practice of the torturing prisoners. The UN had armed me with the new "Cambodian Laws" that had outlawed practice of torture, yet I wasn't sure what to do. In fact, I had no idea at all. I knew that simply telling them that it was against the law was not going to work.

Seeking some sort of insight, I went to the ocean and asked a God that I wasn't even sure existed how I was supposed to do this thing that seemed impossible. I got my answer: the ideal of justice requires bridging the gap between one's inner life and values, and one's work in the outer world.

In the next few days, I designed a workshop that started with basic questions that connected the police officers to their values and hopes. I asked them why they had decided to become police officers. Most answered that they wanted democra-

cy. They pointed to the atrocities of the Khmer Rouge and said they didn't want to ever go back to a period like that.

Yet they also said that they were vehemently against the new laws, which stated that there was a "presumption" of innocence for prisoners who had not yet received a fair trial. They also stated that they felt that torture was the only way to get prisoners to "tell the truth" and confess to the crime that they had just committed. I introduced the notion that these confessions were perhaps weren't very reliable, but many insisted that tortured confessions were reliable. Many insisted, even after role play, that if they were innocent, they would not give a false confession even if they were beaten.

I brought in a picture of the posted rules of the former Khmer Rouge Toul Sleng torture center. The posted rules stated, "Don't you dare try and tell a lie or you will be given more lashes." The officers began to consider all those thousands of people, including their relatives, who gave confessions

under duress and torture. "This, the old system, is a system where presumption of guilt is operating," I said. "Do you really agree with this system?"

The officers began to talk among themselves about these new laws. They began to look again at their values and beliefs. They spoke about how they wanted to move forward from their past and not move backwards. But were their actions consistent with their professed values, hopes, and beliefs? Over some time, many began to reconsider. Because of their reflection, many decided that they wanted to change and did.

I had tremendously positive and transformative experiences while training hundreds of police officers. However, even as the training sessions became more successful, I was sometimes threatened and felt unsafe.

When I discussed my discomfort with my Buddhist meditation teacher, his response was simple: "Remember that whatever you focus on will grow." I also sought advice from Sister Rose, an Indian nun from Mother Teresa's order. She ran the Missionaries of Charity orphanage that I volunteered at in my spare time. Her response, too, was simple: "You must seek to find the Christ in each person, or you must seek to find the Buddha in each person. Then you must work with that Christ or Buddha." Like my meditation teacher, she believed in the power of transformative love.

The officers began to consider all those thousands of people, including their relatives, who gave confessions under duress and torture. "This, the old system, is a system where presumption of guilt is operating," I said. "Do you really agree with this system?"

I took their wisdom to heart, and sought to work with the Christ and Buddha in each person. During my time there, I saw phenomenal changes in the human rights terrain and was eventually warmly welcomed by the police officials who had initially been reticent. The first public defender offices were established, the first motion to suppress a tortured confession was granted, and the first arraignment court in the country was born.

When I left, the prison director, who had already implemented an exercise program and vegetable garden in the prison, asked what they could do to express our friendship. I suggested that they allow me to hold a celebration in the prison for the prisoners, to reclaim their humanity. And on my last day, they let out 120 prisoners, 30 at a time, and together with the prison guards (some with armed AKA 47's) we sang songs, ate chicken curry, and had a lion dance. I saw the prison guards and police beyond their uniforms and embraced their humanity, and they in turn were willing to see the prisoners beyond their uniforms and embrace them in their humanity.

Most major shifts and successful social movements do not occur simply because someone intellectually figured out "what to do." Moses had to go to the desert before he figured out what he needed to do and how to do it. Spirituality was at the base of his call, as it was with the work of Gandhi, Martin Luther King Jr., Dorothy Day, and countless others.

As human rights activists today, we too need to penetrate below legalistic "rights" discussions and "go to the desert" to discover what it means to draw from the vast well of our spiritual resources and wisdom in our approach to human rights work. Without it, we become disconnected from our work and our values. We may espouse one set of values and yet act in an inconsistent way. We work for human rights and yet we limit ourselves in the breadth and possibility of our work when we refuse to see the "other" as one who is connected to us and shares in our humanity. Without a holistic approach, we easily become burned out. By not explicitly recognizing the interconnectedness of all beings, we rob ourselves of an important and invaluable human rights resource for mutual understanding in cross-cultural negotiations and working together.

IBJ's work must adhere to and incorporate principles of transformative justice and values based leadership. Our accomplishments must stem from love, the recognition of the interconnectedness of all beings, and the inherent worth and dignity of every individual. The recognition of our shared humanity allows us to see possibilities that we might have been blinded to before. From this understanding, we are able to approach our work from a position of equality. We can recognize our own humanity and our own capacity for growth and mistakes. We recognize the recent developments of nascent legal systems. This recognition of our communal human potential for change and transformation is grounded in our own humble recognition of our own U.S.-based human rights journey as well. We have much to learn from each other and we must embrace the truth that we have something to share from our own journeys.

IBJ'S LOCAL EFFORTS: COUNTRY-BY-COUNTRY, CASE-BY-CASE

IBJ's journey began in China. IBJ was the first legal non-Governmental Organization (NGO) capitalize on China's move towards more democratic institutions within the legal aid criminal justice sector.

IBJ in China: A Foot in the Door

In 1998, China signed the International Covenant on Civil and Political Rights, which recognized that the right to a fair trial included the right to government supported counsel for the indigent accused; the right to an attorney who was adequately prepared; the right to communicate with counsel; the right to be free from torture or other cruel, inhuman, or degrading treatment or punishment; the right to be free from arbitrary arrest and detention; the right to confront the witness at trial, and the right to an appeal.

However, a right without a remedy rings hollow. At the time that China institutionalized these changes in the law, the institutional capacity to execute these changes was far from ready. The ratio of all lawyers to citizens was 1:10,000. The number of criminal defense lawyers was much smaller and even today is only four percent of the total.

In 2000, I read newspaper articles about lawyers in China who were struggling. Because of the new laws I saw an opportunity to make a difference. I, however, had only been to China as a tourist. I was not an expert and could barely speak Mandarin (I grew up speaking Cantonese). Despite my lack of expertise, I believed that if we wanted to work together with (and not against) the Chinese government to help them implement their own domestic laws consistent with human rights, they would welcome us into their country. In fact, I felt this way about all countries, and to date I haven't been that wrong.

For the first years I could not get any funding for China. We were just a start-up with no track record and an unpaid staff of one. I eventually realized that, if I wanted to start, I had to do it without money and prove that it was possible. I made the trip to China on a \$5,000 donation from an old friend and a borrowed blue velvet blazer. When my contact told me that the meeting he had set up with the Ministry of Justice branch of National Legal Aid of China had fallen through, I flew there anyway and got a 15-minute appointment. We met and went to a Chinese restaurant. Though I could barely speak Mandarin, for some reason we understood that we should work with each other. Somewhere in the middle of the dinner, I remember he shook his head and said, "I don't know why, but I want to work with you." He invited me back to his office the very next day.

The next morning, I was introduced to his deputy chief. I asked if it would be possible for me to get into a province and begin work there. I looked up at a list and said "Anhui" because it started with an A. Since then our projects have grown through the support of dedicated defense counsel from the U.S. who came on as IBJ staff and volunteers, the IBJ China staff, and, most importantly, courageous lawyers throughout China.

IBJ arrived in China at this highly expeditious time. It recognized China's legal challenges and was ready with a plan that was designed to address the immediate need to build both a credible criminal justice system and trust with a government not accustomed to allowing outsiders into the inner sanctum.

The challenges IBJ was prepared to address included:

- Training the new breed of criminal defenders in China so that they understood their role as an advocate for the accused and not as a place holder to legitimize the system.
- Building awareness that ongoing legal reforms would be necessary to execute the new set of laws.
- Building support for the new changes to the law among the existing participants, including judges, police, government officials.
- Raising citizen awareness about their rights.
- Creating a network of defenders outside of China to support and protect the new criminal defenders.

IBJ's progress in China over the past six years is impressive. IBJ has trained defenders in all 31 provinces and has established three Defender Resource Centers across China, with a fourth on the way.

IBJ in China: Know Your Rights

One of IBJ's first engagements with China targeted rights awareness. Chinese police stations and courthouses featured a banner with large red letters that read:

Confess—Better Treatment

Resist—Harsher Treatment

This banner reinforced the old, now illegal, behavior of extracting confessions using torture. It was one of the first things we needed to change to break the cycle and change the mindset of the police, the judges, the lawyers, and the accused citizens brought before them. We crafted a new poster:

If You are Arrested, Know Your Rights

Below this declaration, we listed those rights: you have a right to a lawyer; you have a right not to be tortured. The government agreed to place their logo aside ours as validation of the importance of respecting these new rights. We made an initial 1000 of these posters with the garnered skeptical government permission to distribute them. They weren't convinced these posters had any value. But they were incorrect. The posters were an instant hit among people. They were so successful that it went from 1,000 posters, to 10,000 to 360,000 to over half a million. The posters were soon translated into Tibetan, Mongolian, and Yuighur. The following year, 3,000 law students who were members of the Youth Communist League joined together with us in a new campaign. Though many have seen an image of them storming the police stations with their new posters declaring rights of ordinary citizens and the accused, the more accurate image is that they found themselves welcomed in for cups of tea and endless discussion with the police. It didn't

hurt that the poster bore the logo and imprimatur of the 14 top law schools in the country.

IBJ in China: Pilots and Partnerships

In June of 2004, IBJ began its first Chinese pilot project located outside of Beijing in the city of Hefei in Anhui Province. Anhui was not high on the priority list of provinces to be served by the central government, nor did it appeal to the international community. It was simply an industrial province with everyday people and everyday problems. IBJ opened a bare bones office, without even a sign announcing its existence, and got to work.

IBJ's resource center was started in cooperation with the National Legal Aid Center of the Ministry of Justice, Anhui Justice Department, and Anhui Provincial Legal Aid Center. Located in an aging apartment building a few floors below Anhui Provincial Legal Aid, IBJ's mission was clear: To create a core team of Chinese attorney trainers and increase access to justice for the indigent. An exceptional public defender moved from New York to Anhui to set up this provincial project and lead the way.

Four years after signing cooperation agreements, IBJ's resource center in Anhui realized many of its goals. Through this center, IBJ has trained a core community of Anhui lawyers that excel in their practice and are committed to zealously defending the rights of the accused. IBJ trained a core group of attorneys to replicate their knowledge and in turn train other lawyers in the Province. This core group of lawyers has now become trainers and has trained hundreds of lawyers over the past year. IBJ has hosted 74 training events in Anhui, including roundtable discussions with all members of the legal community. And, more recently, IBJ's Community of Conscience program accepted two attorneys from Anhui to participate in legal training in Washington, D.C.

Moreover, IBJ expanded the Anhui defense community's vision about what can be done to affect change in ways that cannot be understated. One core attorney said about his experience with IBJ, "IBJ helped to open my mind."

Because of this success, the Anhui Defender Resource Center (DRC) has become a template for IBJ's regional and national program initiatives throughout China (See Box: Walking alongside IBJ Defenders). IBJ is expanding this Anhui model program for improving both the quality of indigent defenders and protection of the rights of the accused by creating regional DRCs and using them as bases for regional programs and activities (see Figure 1: Defender Resource Centers).

This transition takes into consideration IBJ's strategy of seeking concomitant bottom-up and top-down strategies for reform. By transitioning from an Anhui-based pilot DRC to a regional DRC, IBJ will be capable of affecting legal reform on a larger scale throughout southeast China. It is a logical progression that will expand IBJ's resources and provide a broader institutional capacity to affect permanent reform, not only in the practice of individual lawyers, but also in the function of China's legal aid system.

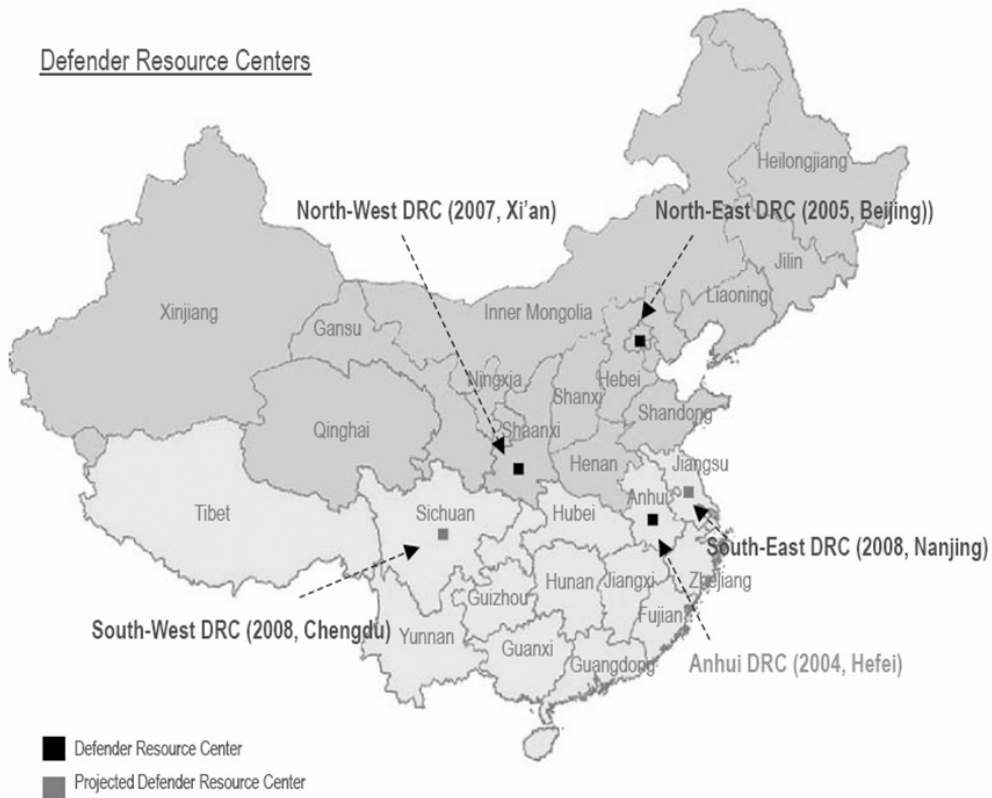


Figure 1. Defender Resource Centers in China.

This expansion plan is progressing steadily. In 2007, IBJ opened a second Defender Resource Center in the province of Xi'an. IBJ has a National Center in Beijing where it plans and implements projects of national scope. IBJ has just begun a clinical project to establish criminal defense clinics in select law schools around China. By the end of 2008, IBJ will open two more Defender Resource Centers in northwest and southwest China.

With a fully operational network of DRCs strategically placed around China, IBJ will be able to participate more directly in the development of its justice system. Working from the ground up, the DRCs will continue to carry out a variety of model pilot programs that will remedy obstacles that impede the fair and effective administration of justice. At the same time, the DRC in Beijing will encompass a top-to-bottom philosophy, functioning both as a regional hub for northeast China and as a central office coordinating all national programs and overseeing the three other DRCs. IBJ has also agreed to work with National Legal Aid China to restructure the management and function of the legal aid system.

The driving force of the IBJ model is to develop model legal aid centers as examples to legal aid communities throughout the country and to establish



Figure 2. Since 2001, across the 31 provinces of China, IBJ has held over 50 round-table sessions, visited over 70 locations during rights awareness campaigns, and trained over 2000 people in over 50 training sessions.

improved training models, structures, and systems for the delivery of criminal legal aid services to the poor. The IBJ model aims to establish the creation of a core team of Chinese attorneys whose purpose is to train legal skills to other attorneys within and without their own Province. Once a core team of Chinese trainers selected from model centers is accomplished, IBJ's immediate support is no longer needed; instead, the core team and model centers are largely self-sufficient beacons of legal excellence (see Box: Sen Suxia).

In addition to the ongoing work of the Defender Resource Centers, for the last six years IBJ has orchestrated rights awareness campaigns, training initiatives and round table discussions that are reaching all the 31 Provinces of the country (see Figure 2). IBJ has been busy training defenders, mentoring defenders, influencing criminal justice policy, and changing the notion of what it means to receive a defense in China.

In 2007, in both Chongqing and Tianjin, IBJ held roundtable forums intended to improve access to counsel for juveniles. As a result of these roundtable

Walking Alongside IBJ Defenders

Training and resources are critical, as are shifts in attitude, but ultimately, IBJ's goal is to increase the number of fair trials and decrease the use of torture as a short-cut to justice. When we found out in a follow-up meeting with a legal aid center in China six months after a training session that the legal community had only entered one not guilty plea in that time period, we realized how much more work we had in front of us.

We didn't understand how we had gone wrong because we had received such positive responses to the training, along with commitments to implement the new methodologies. This high rate of guilty pleas did not make sense, so we asked the trainees why. They told us it wasn't the training that was the problem. Rather, despite their initial enthusiasm, as defenders they felt unprotected after IBJ left and they felt that there was no support or follow-up. This was an important lesson for IBJ that we cannot just begin this process of building a legal system. We must follow up and walk with our defenders on a case-by-case basis as they stand up against torture and for true investigative police and justice work.

To respond to this lesson, IBJ conducted roundtables through local legal aid centers, bringing together lawyers, prosecutors, judges, justice bureau officials, and police officers to address the rights of lawyers in criminal defense. In addition, realizing the need for greater comprehensive support of defenders on the ground, IBJ became firmly committed to the birth of defender resource centers. IBJ's strategy for the future incorporated this early lesson learned.

forums, in March 2007 in Chongqing the bar association, the city prosecutor and the police department reached an agreement to appoint legal aid at the investigation stage to juvenile criminal suspects. Under the agreement, the police department is required to set up a separate interrogation room for juvenile suspects, where the police will record interrogations and notify lawyers to be present. Legal aid lawyers will also to be given timely access to interrogation documents, thereby allowing them the opportunity to challenge problems with the interrogation procedure the police employed. Requiring the presence of lawyers at interrogation sessions represents a pioneering step in China.

Also as a result of an IBJ-hosted roundtable event, in Tianjin, legal aid has secured the cooperation of the Tianjin prosecutor's office, as of January 2007, to assign legal aid to juvenile suspects. The opinion requires prosecutors to have a legal aid lawyer or other guardian present at all juvenile interrogations. The effect of this agreement has been immediately felt; legal aid is witnessing a rapid rise in the number of juvenile cases assigned in the pre-trial stage. In one case, for example, involving an assault between classmates, the prosecutor received the case and notified legal aid to provide representation to nine suspects and three victims. The legal aid center sent 12 lawyers to represent the juvenile suspects. Because of cooperation between legal aid and the prosecutor's office, the first of its kind in

Shen Suxia: Director of the Jin'an District Legal Aid Center in Anhui Province

Despite difficult working conditions, Shen Suxia strives daily to afford her clients a zealous defense. As China struggles to develop a fairer justice system, it will look toward attorneys like Shen Suxia who embody a spirit of self-sacrifice and perseverance in protecting the rights of the most vulnerable members of the population.

Shen Suxia's 17 years as an attorney are a lifetime in China, spanning from the genesis of the modern legal system to the present. Upon her graduation in 1989, Shen Suxia joined a law firm where she specialized in defending criminal cases. At every point, she encountered enormous resistance to obtain discovery, investigate cases, and prepare for trial, sometimes struggling even to meet her clients.

Concerned that she was unable to devote more of her time to representing those most in need of her services, in 1999, when a governmental legal aid center was finally established in Jin'An District, Suxia left private practice to become a legal aid lawyer, a rare career choice in a country where it is almost unheard of for an individual to leave a position of relative wealth and prestige for one less esteemed.

Suxia is now at the vanguard in establishing a model practice for legal aid lawyers as director of the Legal Aid Center in Anhui Province. Still in its nascent stages, China's legal aid system suffers from a shortage of personnel and money. The Center, which employs three lawyers, is located in a one-room office without central heat and with only one computer, donated by IBJ in 2004. Under the guidance of IBJ, Suxia has made tremendous strides in her criminal defense practice, allowing her to show temerity and determination in defending each of her clients. She now challenges the prosecution and the legitimacy of forced confessions. In doing so, she stands in marked contrast to the standard practice of Chinese lawyers. The change of mindset she has shown is the first step to revolutionizing the way cases are handled throughout China.

Tianjin, the prosecutor's office decided not to prosecute the juveniles and the juveniles were allowed to remain in school.

Despite all of this progress, the work is far from over in China. Today over 50 percent of all legal aid cases involve children, 25 percent carry a possible death penalty, 5 percent of the cases involve people with obvious disabilities such as blindness or deafness. Many legal aid offices are grossly under-staffed. And most practicing defenders still do little more than sit next to a client they barely know and offer no advocacy. Yet, the work of IBJ has seen rapid advancement and with the strong strategic alliances formed with Chinese partners and friends in the realization of this goal, we are confident of the future.

Ouk Vandeth: IBJ's First Fellow

A survivor of the Khmer Rouge genocide, Mr. Ouk served as a Police Official from 1985 to 1994. It was during that time that he became acutely aware of the inhumane tactics security personnel would use to obtain confessions from the accused. In this capacity, he worked closely with prosecutors and became interested in becoming a lawyer. It was then that he became part of the first generation of IBJ trained Cambodian defenders. Mr. Ouk then attended the only law school in Cambodia. Graduating with a Legal Defending Training Certificate, he began work as a public defender for what would later become Legal Aid of Cambodia (LAC). Eventually, Mr. Ouk was promoted to director. In this role, he strengthened LAC's relationships with government, peer NGOs, and multilateral aid agencies.

As an IBJ Fellow, Mr. Ouk completed a baseline survey on criminal legal aid which revealed that out of 15,544 criminal cases in 2006 only 40 percent received any criminal defense representation. Of the people who did receive legal representation, a disproportionate number were living in urban areas. In Phnom Penh, for example, four of every five individuals accused of a crime have access to a criminal defender. By contrast, in the more rural province of Prey Veng, the likelihood of that same outcome drops to one in five. This finding clearly identifies a need for additional legal aid services throughout the country, most especially in rural areas.

Mr. Ouk's defense work directly addresses this need. Of the 32 criminal cases he defended in 2007, 27 came from provinces that were previously without access to legal aid.

Other Early Efforts: Cambodia and Vietnam

In addition to China, IBJ got an early start on projects in both Vietnam and Cambodia.

Cambodia's turbulent past saw the complete destruction during the 1970s of its basic infrastructure, including its criminal justice system and related institutions. Though UN-lead international intervention in the 1990s started the process of bringing fractured communities together, today Cambodia is still overcoming the reverberating impact of genocide. It still faces the challenges of ending endemic torture and rebuilding its legal system. The work that was begun in the 1990s to initiate defender programs was abandoned by the international community halfway through. Reflective of this is that of the 24 provinces, ten of them lack a legal aid/public defender office, leaving the Cambodians of those provinces particularly vulnerable to abuse. IBJ's goal is to facilitate the establishment of defender offices in the remaining provinces that have none.

To begin this process, IBJ formed a partnership with Legal Aid Cambodia (LAC) in September 2004 and jointly opened its eighth provincial office in

Rattanakiri, a rural province on the edges of Cambodia. This legal aid center has since represented 222 criminal defendants.

In 2006, because far too many Cambodians remained unrepresented, IBJ employed Mr. Ouk Vandeth, a Cambodian, an ex-police officer, and an experienced criminal defense lawyer to mobilize a fragmented legal community towards the goal of providing defense counsel for all (See Box: Ouk Vandeth). In 2007, IBJ moved into its own office in Cambodia and began the registration process as an in-country NGO.

In the summer of 1998, I conducted a legal needs assessment for Vietnam on behalf of the American Bar Association. In a meeting between myself and the then Minister of Justice, he acknowledged the wide gap between the letter of the law and the actual implementation of criminal laws and expressed a willingness to partner with organizations in the States who could be of assistance in this regard. There are no public defender offices or their equivalent in Vietnam. The president of the Ho Chi Minh Bar Association told me that he was saddened that over a thousand defendants had nowhere else to go when his bar association was forced to turn them away due to a lack of resources. He requested that donors consider assisting their Bar Association to establish the first public defenders offices in Vietnam. I could not, at that time, locate the support Vietnam needed to initiate these important programs.

It was not until six years later, hosting the first-ever criminal defense training program in April of 2004, that IBJ opened a window of opportunity for criminal justice reform in Vietnam. Vietnam had begun the process of reforming its economy to become market-responsive in 1986. As this transition matured, the government turned its attention to building a legal environment that enables citizens to exercise their basic constitutional rights. This and other changes presented IBJ with an opportunity to help Vietnam rebuild its judicial system.

Through the legal training in 2004, IBJ was able to help over 200 Vietnamese lawyers, representing more than 20 bar associations, hone their criminal defender skills, discuss the criminal justice environment and strategies for sustainable reform, and build the confidence necessary for competent representation of clients. To further support the participants and other defenders in Vietnam, IBJ has begun developing a comprehensive Defender Resource Manual in collaboration with the Vietnam Lawyers Association (VLA), the only national organization for lawyers.

IBJ's various partners in Vietnam have stressed the urgent need to build awareness of the basic legal rights of citizens to the police, judiciary, government prosecutors and to the citizens themselves. Also, in partnership with the VLA, IBJ is planning the first advisement of rights campaign to distribute posters in legal aid offices, detention centers, and on the streets throughout the country. IBJ is now working with potential partners in Vietnam to expand its programs there. The work, however, has not been without its own challenges, many of which still need to be overcome.

New Horizons in India and Africa

With overwhelming requests from countries throughout the world, and with the continued maturation of its approach, toolkit, and strategy, IBJ has begun to expand its reach. The second wave of in-country efforts focus on India and Africa. Recently, a preliminary legal needs assessment was conducted in El Salvador and Guatemala, though no program has yet begun.

IBJ in India

IBJ first started receiving requests to work in India when respected leader and social activist Swami Agnivesh walked into IBJ's office in the summer of 2006. He explained his personal observations of the vast number of people in India languishing in jail due to pre-trial detention. He told me of the widely acknowledged use of torture in jails and of the high number of custodian deaths.

According to research from the International Centre for Prison Studies (2007), 69.7% of all Indian prisoners are pre-trial detainees. According to the National Human Rights Commission of India in 2004-2005, 1,493 deaths occurred in police or judicial custody. Despite the number of laws passed and commissions established to abate human rights violations, the country's prisons are grossly overcrowded (at a 145.4% occupancy level), and torture and other forms of abuse are still an everyday occurrence.

About the same time, I heard from one of my colleagues about a 40 year-old man in India who had just been released. While happy for the man who was finally going home, I found the underlying facts disturbing. He had gone into prison at the age of 14, was acquitted at the age of 17, but was not released until the age of 40.

Though we were eager to begin work in India, we found funding options to be severely limited. Many acknowledge the enormous problem of torture and lack of due process rights despite the laws prohibiting this. We were told repeatedly that India was too big, too complicated, and furthermore did not like Western influence.

Despite being discouraged, we realized that there was a huge need. We somehow believed that we could overcome the challenges. IBJ first traveled to India in November of 2007. We discovered that many of our advisors were correct. It is a huge country without an immediately centralized and evident method to target the problem areas. And there does exist some distrust of foreign influence. However, within days we found ourselves warmly welcomed in by civil society, government, and legal communities. Since then we have fostered important alliances with state institutions and civil organizations in both Delhi and West Bengal, such as the High Courts, Delhi Legal Aid Services Authority (DLASA), the Law Secretary of the Government of India, the State Bar Council of West Bengal, and the Director General of Police State of West Bengal.

Strategically, we realized that the best way to address our desire for both breadth and depth within the country was to work both at a grassroots provincial level in Calcutta as well as on a National level in Delhi. IBJ has recruited two IBJ

African Prisoners

In Burundi, we visited the main prison, Mpimba Prison, in Bujumbura. I was struck by how much it reminded me of a visit to a Cambodian prison. A decade earlier on a completely different continent, I had been surprised to see all the children in prison. I had been surprised when one explained that her husband had committed a crime ten years ago and, as they couldn't find him, she was there instead. She accepted this as a way of life. I remember thinking, "this is where there is no rule of law."

Ten years later in Burundi I am having a *déjà vu* experience. I see all these children in prison. One little guy, about twelve years old, is stuck in with all the men for stealing a mobile phone. A young girl, not even a teen, yet says she is in for a sex crime. "Are you kidding? You aren't old enough to know what that means," I say. Even more surprising are the adorable babies. I pick one up. The mother smiles and tells me the baby is why she is here. She stole two diapers and an iron and has been a pre-trial detainee in prison for almost two years. She claims she was only borrowing the iron but that she did have every intention to steal the diapers. Finding this outrageous, I speak to the prison director. He agrees get her before a judge. But, he says, in this prison of 2,800, almost 77 percent are pretrial. So what are we going to do about them? I agree. He has a point. The entire system needs help, not just this one woman.

Fellows in West Bengal and New Delhi. IBJ also signed a Memorandum of Understanding with Bangla Manabadhikar Suraksha Mancha (MASUM), a community organizing and legal advocacy group in West Bengal that works to educate and empower local citizens against human rights violations by the state. As our first strategic event in India, IBJ will host a National Training Conference in collaboration with DLASA in July at the High Court to bring together 108 legal aid lawyers from every state to foster the criminal justice movement throughout India.

IBJ in Africa

Despite the 1990s wave of "democratization" and economic liberalization across Africa, formidable challenges remain. Almost all 53 African countries have passed lofty human rights laws yet torture and other human rights violations continue because these laws are not properly implemented. In Burundi, for example, 1,990 cases of prison torture were recorded from 2002 to 2006⁴ Burundi has only 90 qualified lawyers in practice;⁵ its neighbor Rwanda only 200.⁶ Many of Africa's prisons are massively overcrowded and millions of detainees are subjected to lengthy pre-trial detention. Zimbabwe's 47 prisons have an official capacity of 17,000 but currently hold over 35,000 inmates⁷ (See Box: African Prisoners).

In 2006, IBJ launched its Africa Program in Burundi, Rwanda, and Zimbabwe. Last February of 2007, IBJ initiated an Advisement of Rights campaign that sparked an immediate onset of urgent request for help. In the first three months of

the campaign, our Burundian partner APRODH, received over 900 calls and 200 letters from individuals urgently requesting assistance after being denied their rights. We hadn't anticipated such a strong and immediate response and found ourselves unable to meet the need. We are currently raising funds to initiate a first pilot public defender office.

In addition, IBJ has signed memoranda of understanding with the Bar Associations in Burundi and Rwanda as well as Rwanda's Prosecutor General. In Zimbabwe, IBJ is engaged with the country's Law Society and Legal Resources Foundation. Rights awareness and defender training and advocacy projects are under way and IBJ is in the process of recruiting IBJ Fellows in these three countries. In addition, IBJ has received further requests for assistance from Liberia, Mozambique and Uganda.

SCALING THE IBJ MODEL: THE GLOBAL DEFENDER SUPPORT PROGRAM

Beyond the handful of countries IBJ has reached there are multitudes more that are ripe for the kind of services IBJ provides. According to reports, 113 countries practice torture, despite the fact that 93 of these have signed international conventions and have domestic laws to safeguard citizen rights. Public defenders and legal aid lawyers have made urgent requests for international assistance. Encouragingly, governments have shown a willingness to act. There now exists a unique opportunity to dramatically improve the legal systems of developing countries.

Yet, over the past decade, international support for enhancing the legal systems in developing countries has largely concentrated on funding and training the police, prosecutors, and judges. Vastly fewer resources have been directed towards defenders, despite the fact that they represent a critical element of a viable criminal justice system.

This gap, the same gap that inspired IBJ to begin with, still exists. And IBJ remains one of the only NGOs specifically focused on filling it.

IBJ is committed to filling this gap because we believe that the importance of defenders, particularly in countries where the criminal justice systems are still in development, cannot be overstated. Defenders must not only provide just and competent legal representation, they often must also push forward fundamental reforms in their country's criminal justice system.

Through its experiences so far in Asia and now Africa, IBJ has recognized two key points. First, these defenders need more than criminal defense tools and training if they are going to act as champions of reform. To continue in their courageous efforts, it is essential that they have access to a supportive international community, opportunities to continually develop and learn, and recognition for their efforts to continue their courageous efforts. Second, though IBJ would like to help every country that would benefit from its assistance and every country that asks for help, it simply does not have the resources to do so.

In response to these realizations, IBJ is launching a new program designed to

provide defenders with the essential support they need and to extend IBJ's reach without crippling its capacity. The program, the Global Defender Support program (GDS), is the catalyst that will allow defenders all over the world to collaborate over an extended period to share ideas, find solutions, and build innovation. Through GDS, IBJ will provide courageous defenders everywhere with increased social capital so that their chances of success are greatly improved. By establishing a community of practice and also continuing its grassroots country programming, IBJ brings a more complete solution for success to defenders.

The GDS will have three overall objectives:

- Enable defenders from any country to access and customize criminal defender resource materials for implementation in their own countries by developing a rich and comprehensive repository of common defender resource materials (tools, methodologies, processes).
- Build communities and promote knowledge-sharing among defenders on a global level by creating a collaboration platform that provides access to the defender resource materials repository and facilitates discussions on best practices and lessons learned.
- Promote international awareness, recognition, and support for defenders by providing international support from their peers and other key criminal justice stakeholders, offering global accreditation programs, fellowships, and overseeing defender awards.

To accomplish these objectives, GDS will consist of defender engagement strategies, international partnership building activities, and a technological online collaboration platform. GDS will involve three activities: it will provide tools, methodologies, and processes; build international partnerships; and run accreditation and celebration programs.

IBJ's innovative two-track strategy—one continuing IBJ's local efforts, the

According to reports, 113 countries practice torture, despite the fact that 93 of these have signed international conventions and have domestic laws to safeguard citizen rights. Public defenders and legal aid lawyers have made urgent requests for international assistance. Encouragingly, governments have shown a willingness to act. There now exists a unique opportunity to dramatically improve the legal systems of developing countries.

other building GDS—balances the local and global needs inherent to IBJ’s work. The GDS program extends in-depth country programming to new nations and provides a community of practice for all defenders, whether working within or outside of IBJ country initiatives. In so doing, this approach enables IBJ to continue its mission of institutionalizing defender practices worldwide but also allows defenders to share ideas with their peers worldwide. Through this cross-fertilization, IBJ provides defenders with greater capacity to innovate, achieve maximum impact, and scale at a rate that was never before possible. Country specific development becomes one part of the whole. To complete the picture, cross-boundary networks link defenders with existing knowledge and with each other. The result is better legal rights for citizens, and a chance to end torture.

GDS: Tools and Techniques

IBJ’s GDS program will facilitate the expansion of ongoing activities to new country locations by drawing on the materials and programs IBJ has already developed. These include:

- a defender toolkit
- an accreditation program
- a national assessment and scorecard initiative
- a worldwide partner / community program
- a fellowship program
- a defender-outreach and innovation award.

One integral part of the GDS model is IBJ’s Fellowship program. As with Mr. Ouk, IBJ recruits and trains local defenders who, as “IBJ Fellows,” then lead the development of IBJ’s programs in new countries. The vision is that of 108 fellows throughout the world joining forces together towards our mutual goal of ending torture and guaranteeing due process rights for all in the 21st century. Because GDS leverages IBJ Fellows to lead the launch of new country programs, the expansion of IBJ’s country programs can be achieved much more rapidly than a one-country-at-a-time approach. The Fellows-based approach is also more cost-effective as it builds on scaling and replicating the same defender resources across multiple countries.

As another integral component, IBJ will build an Internet-based training and networking platform through which IBJ will be able to share its defender resources with people in all countries, even ones in which IBJ is not yet working. IBJ will tap into up-to-date, social-networking ‘Web 2.0’ technical platforms to facilitate community-building and information exchange.⁹ This platform will help IBJ build a global network of supporters and advisors. There is a close relationship between promoting legal rights and the use of advanced information and communications technologies. Just as businesses reap operational efficiencies by using the Internet, so too can IBJ support the international defender community by building a platform to access data, collaborate, and develop knowledge and good practice.

IBJ is planning several other new activities as part of the GDS, including:

- Criminal Justice Accreditation Initiative—A way to bring defenders from different countries where IBJ does not operate into the IBJ community, by providing the means for them to gain skills and knowledge, as well as become certified to help train defenders in their country.
- Criminal Justice System Scorecard Project—A template mechanism for defenders to assess the state of their country’s judicial system, as a way to have a formal evaluation that progress can be compared to.
- Community Advisory Councils—Local and international partners that will support the work of Fellows in their country through helping with partnership development, providing advice, or pro bono support.
- “Justice Makers” Innovation Award—With a donation from a private entrepreneurial donor, IBJ recently created JusticeMakers.net—an online community that shares intellectual capital and best practices in the field of criminal justice. The site hosts competitions, facilitates discussions, and connects passionate members of the criminal justice community with their counterparts from around the world. The first competition launched on June 26, 2008 and sparked locally-sourced solutions to criminal defense challenges in developing countries. IBJ is sharing the stories, aspirations and challenges of these JusticeMakers and is positioning these heroes as the face of the larger criminal justice movement.

Ultimately, these initiatives are geared to bring the community of defenders and legal professionals into a community of practice.

The Global Defender Support program (GDS) offers a unique and powerful opportunity for IBJ to develop the infrastructure for justice on an unprecedented scale. While local initiatives will continue to be the most integral aspect of IBJ’s work, GDS will allow IBJ to connect our passionate local defender organizations in ways that have never previously been explored. The result of GDS will be a global community of practice in which lawyers truly feel connected to each other and have a tangible system of support.

Innovation happens in all of our local communities, but without an effective, interactive, personal network to diffuse this innovation, it is less likely to expand beyond the borders of the community in which an idea is created. GDS will facilitate knowledge diffusion and resource sharing, and will also create more opportunities for personal interaction, which is crucial for strengthening defenders worldwide. Further, cross-cultural interaction will foster a higher volume of legal innovation because experiences can be shared and analyzed in new ways by people from varying backgrounds, creating a rich environment for ideas to grow. The GDS is a scalable model that will widen the reach of IBJ’s tools, practices, and strategies.

The GDS is the future of IBJ.

SUPPORTING THE FUTURE OF IBJ

If we are to put IBJ’s strategic plans into action, IBJ must institutionalize and leverage its relationships and collaborations with the worldwide legal, social and busi-

ness communities. On this front, IBJ is already developing a robust group of partners and supporters.¹⁰ As IBJ's activities continue to gather momentum, a number of organizations have expressed interest in partnering on projects or contributing resources to the programs.

For instance, IBJ's first two "Communities of Conscience" groups—in Dublin in October 2006 and Washington, DC in January 2007—were sponsored by a coalition of bar associations, international law firms, and defenders who graciously paid for individual defenders to attend and donated space and personnel for the events. The events brought public defenders from China to the West for training sessions. The defenders met and learned from other defenders and also formed what we expect will become enduring relationships. Once the model is established, IBJ envisions thousand of Communities of Conscience sprouting up to support defenders worldwide

In addition, two dozen top defenders from countries throughout the world have contacted IBJ about collaborating on projects. Meanwhile, a number of law firms, barristers' chambers, law schools, and legal associations, such as the Senior Lawyers Project, the IBA, and Advocates for International Development are working with IBJ. For example, Matrix Chambers donated \$10,000 to sponsor advisement of rights campaigns in Africa. The International Bar Association has requested that IBJ collaborate on Zimbabwe's criminal justice manual. Most recently, Greenberg Traurig donated \$10,000 to support a local defender. Our entire India program was launched only because of the generous support of the Clifford Chance Foundation which provided \$150,000 in seed capital to initiate our India project and support two Indian fellows. The flood of support and cooperation from the international community has begun to take hold.

CONCLUSION: WORKING TO END TORTURE IN THE 21ST CENTURY

Over the past several years, International Bridges to Justice has been fortunate to receive the extraordinary support of committed individuals from all over the world. Individuals who have chosen hope in the face of uncertainty—uncertain political tides, uncertain safety, uncertain job security, uncertain organizational status, uncertain risk against their financial contributions. All of us have brought both our gifts as well as our imperfections to this endeavor. While indomitably strategic, the path has not always been smooth or clear.

But certain things are clear. There are 113 developing countries that torture, 93 of them recently having passed laws outlawing torture and listing basic due process rights. We have a clear and unprecedented window of opportunity to support these countries in the implementation of these laws and to act now for human rights in a way that was never before possible.

Twenty-five years ago when I was in college, dictatorships, authoritarian and closed communist governments were rampant. Today we see emerging democracies and more open communist systems with laws designed to protect their people. But little of the dream is realized. Few of these laws are actually implemented,

leaving their citizens particularly vulnerable to abuse. The ghosts of the past remain as vestiges of old systems entrenched despite new laws.

There are more ways than one to deal with ghosts of the past. One is the international courts and tribunals to prosecute war criminals, and truth commissions to begin healing processes. In order to build an ethical future we must reconcile with the past. However, in our international commitments and prioritization of resources, we are almost missing the point. For instance, while over 56.3 million dollars is still going into the war crimes tribunals in Cambodia to prosecute fewer than ten war criminals, almost half of the present day Cambodian provinces do not even have a single public defender. Residents of these provinces are particularly vulnerable to abuses of due process rights, including the use of torture as an instrument of investigation. Based on the evidence of work in other provinces, early access to counsel would change this. For less than 250,000 dollars we could open legal aid centers in the remaining neglected provinces and address this problem in the immediate present. End the ghosts of the past by proactively putting the system in place so that history does not continue to repeat itself with police officers using interrogation methods of past generations

I write today from an IBJ training event in Burundi, another country that has suffered through genocide. They also have many ghosts of the past, and today torture and abuses of due process rights are rampant. To turn the chapter and build a new Burundi, each participant was asked to think through and answer this question, "What is my role, my part that is the contribution to the whole?"

I was encouraged by the sincere answers of the group composed of 50 judges, prosecutors, police, and lawyers. Though from various parts of the judicial system, all acknowledged the need for and requested assistance in developing a system for early access to defense counsel. While acknowledging their tortuous past and current broken down judicial system, they also expressed hope.

They are on their way. But they cannot get there alone. And neither can most countries at the beginning of this journey. While IBJ is heartened to have begun having an impact in seven countries, we are also disturbingly aware of the defenders and other members of the judiciary in countries throughout the world who have cried out for support. As Martin Luther King Jr. said, "The time is always ripe for justice." Justice does not "roll in on the wheels of inevitability" but comes about because of the dedication and hard work of committed individuals.

So join me in responding, also in the words of King, to the "fierce urgency of now" that is upon us.

-
1. International Centre for Prison Studies, *Prison Brief for India*, 2007.
 2. National Human Rights Commission of India, *Annual Report 2004-2005*.
 3. International Centre for Prison Studies, *Prison Brief for India*, 2007.
 4. Ligue Iteka, *Annual Report on the Situation of Human Rights in Zimbabwe*, May 2007
 5. IBJ Interview with Bar Association of Burundi President, Tharcisse Ntakiyica, November 2006;
 6. IBJ Interview with Bar Association of Kigali Executive Committee, November 2006
 7. IBJ interview with Law Society of Zimbabwe Secretary, Arnold Tsunga – November 2007

8. Sources: ICCPR, Amnesty International
9. The California Public Defenders Association uses an interactive website that is designed for the use of defenders, providing legal research resources, links and training materials. The website is powered by a listserv device that networks defenders from many geographic areas to share information and resources that would otherwise be available only piecemeal, and has transformed the practice of law in California. IBJ envisions using a similar technology for the GDSP platform.
10. Our partners include law firms, legal associations and law schools, including Harvard University and Georgetown University, and IBJ's financial sponsors include the Open Society Institute, the US Department of State, the MacArthur Foundation, the Skoll Institute, and IBA Foundation. IBJ is especially grateful to early supporters Echoing Green, and Ashoka.

Support for this *Innovations* special issue

provided in part by

Realizing Rights: The Ethical Globalization Initiative

INNOVATIONS IS JOINTLY HOSTED BY

**GEORGE MASON
UNIVERSITY**

School of Public Policy

**Center for Science and
Technology Policy**

HARVARD UNIVERSITY

**Kennedy School of
Government**

**Belfer Center for
Science and International
Affairs**

**MASSACHUSETTS
INSTITUTE OF
TECHNOLOGY**

**Legatum Center for
Development and
Entrepreneurship**

with assistance from

The Lemelson Foundation

The Ash Institute for Democratic Governance and Innovation, Harvard University

The Center for Global Studies, George Mason University



mitpress.mit.edu/innovations | innovationsjournal.net
editors@innovationsjournal.net