# BJA

2008 Annual Report

International Bridges to Justice is dedicated to protecting the basic legal rights of ordinary citizens in developing countries.

IBJ works to guarantee everyone the right to competent legal representation, protection from cruel and unusual punishment, and the right to a fair trial.

IBJ Resolute as China Embraces Reform. Page 6 1BJ, Supreme Court Justices lead India Event. Page 13 Online Competition Catalyzes Justice Projects. Page 21

## Foreword from IBJ Founder and CEO

"Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation... It is from numberless diverse acts of courage and belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Robert F. Kennedy

It gives me great pleasure to introduce you to IBJ's 2008 Annual Report. The past year saw many challenges but also progress in creating ripples to ensure that torture must end and that criminal justice must be fair, effective, and balanced. Our in-depth country programs continue to increase their impact out of all proportion to their size. New initiatives were started to support on the ground criminal defenders. Many of these are funded not only by foundations but by individuals who believe strongly enough in our vision to finance efforts directly.

One high point for the year was the launch of Justice-Makers. Conceived as a way to respond to the flood of global requests for IBJ support, JusticeMakers represents a new channel though which IBJ is sparking local, community-empowered criminal justice reform.

IBJ is providing support for grassroots agents of change selected by international competition to implement innovative pilot projects. The number and quality of applicants in our inaugural competition was overwhelming. Following a very difficult selection process, eight outstanding individuals from Brazil, the Philippines, Nepal, Swaziland, Pakistan, Nigeria, Kenya and the DRC were named IBJ's first JusticeMakers Fellows. In 2009 three additional JusticeMakers from India, Malawi and Kenya were funded.

Our programs offer opportunities for both horizontal and vertical cross-innovation. JusticeMakers learn from and provide instruction to IBJ's in-depth, national program efforts. Another key benefit has been the exchange of best practices between JusticeMakers and Country Fellows – whether by comparing post-conflict judicial solutions in Rwanda and Cambodia or providing methods of legal education to prisoners in the Philippines and Kenya. All of our programs benefit from this synergy.

Country programs are also cross-innovating by using IBJ's Online Training platform. In 2009, we are beginning to advocate for an IBJ Public Defender Accreditation

program. The goal is to institutionalize Public Defender standards worldwide.

2008 also saw the power of our country programs, notably the opening of new Defender Resource Centers in Xi'an, China and Takeo, Cambodia. Preparations continued throughout 2008 and into 2009 for the opening of further Defender Resource Centers in India, Burundi, and Zimbabwe.

Every day, as I see the impact of the work of courageous criminal defenders, I am more and more convinced that Justice is within our reach. One day we will reach that place where the letter of the law is not merely a piece of paper, but embodied in the protection of the lives of every citizen throughout the world. I believe that we can get there. I believe that with every legal case and with every legal training seminar we are making a critical difference. But this will not happen without the wholehearted commitment of citizens throughout this world.

Today I ask for your commitment to help in whatever way you can. We need help with every aspect of our programs. Financial support, knowledge, advice, assistance, connections, and referrals are invaluable. Without the unpaid help of dozens of dedicated interns and volunteers we would not be where we are today. We deeply appreciate any form of assistance and will multiply the benefit many times over.

I know that individually, from every corner of the world, we are creating those ripples of hope, and that one day soon, as we work together, Justice will be ours. Your participation today starts another ripple of hope. Thank you for your invaluable support.

Kan & sec

Karen I. Tse Founder and CEO, IBJ

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As the sun sets on IBJ's eighth year, the organization is primed to catalyze the global criminal justice movement. (Photo courtesy of Jeff Kennel.)

# A Vision for Human Rights in the 21st Century

"A world where international human rights standards and relevant local laws are brought to life in the everyday practice of justice, and through the consciousness of each and every actor of the judicial system."

This is the vision of Karen Tse, IBJ's Founder and Chief Executive Officer. She has always understood that IBJ's purpose in promoting fair and effective justice requires action beyond training seminars, statutory reform or even facilitating greater communication between Public Defenders, judges and prosecutors.

To achieve this a paradigm shift is required in:

- 1. The understanding of the role of the law,
- 2. The assumptions made about the social contract between states and their citizens, and
- 3. The re-definition of the Public Defender as a guardian of legal rights.

To achieve these changes Karen invests most of her time and energy into turning doubt into belief, apprehension into conviction, and propositions into principle. As part of this continuing campaign of advocacy and metamorphosis of consciousness, Karen shared her vision at the following events and conferences in the past year in addition to her IBJ commitments:



Courtesy of MacLeod Photography

IBJ CEO and Founder Karen Tse.

- The World Economic Forum, Davos January 2008
- The Skoll World Forum, Oxford March 2008
- The Neiman Conference on Religion and Human Rights, Harvard University May 2008
- Global Action Network Forum, Berlin June 2008
- World Justice Forum, Vienna July 2008
- Global UBS Philanthropy Forum, Singapore September 2008
- WIN Global Leadership Forum, Spain September 2008
- World Economic Forum Summit on the Global Agenda, Dubai October 2008

In 2008 Karen was honored by the American Bar Association with its International Human Rights Award. She also received the Harvard Divinity School's First Decade Award, which is granted to divinity school alumni who demonstrate great promise for transforming the world through the first 10 years of their work after graduation.

Karen's campaigning and speaking events are not just about the marketing of IBJ. The real goal is to turn those who agree to listen into agents of change themselves. A vision as great as IBJ's will not be achieved by IBJ alone, despite all the industriousness of our staff and their faith in the message of IBJ. Ultimately this vision is dependent on convincing others to take up the cause and contribute in their own way. To that end Karen and IBJ will continue to spread the belief and vision that change and justice is as achievable as it is urgent.





## China Team Advises 15,000 People of their Legal Rights

Six years ago, IBJ teamed with the National Legal Aid Center and Research Center for Procedural System and Judicial Reform of Renmin University to develop our first poster and brochure on "The Rights of the Accused". IBJ continues to promote and publicize legal awareness to citizens by organizing national campaigns to advise Chinese citizens of their legal rights.

The 2008 campaign reached out to detained juveniles in an effort to ensure that they were aware of their rights and how to get a lawyer. IBJ developed a new poster and brochure entitled "Ask for a Lawyer," encouraging children and migrants to ask for the help of a lawyer if they are accused of a criminal offense.

Over 15,000 Chinese citizens were contacted during this year's Rights Awareness Campaign held in twelve regions throughout the country distributing over 9,000 packages of legal rights materials. The

campaign educated children and migrants about their right to a lawyer and encouraged them to ask for a lawyer if they are accused of a crime.

The campaign was held in areas frequented by migrants, including construction sites and employment centers, as well as in schools and poor neighborhoods to reach those most at risk of being abused by the criminal justice system.

Yujin Liu, IBJ's Legal Program Officer in Beijing, was quick to point out the additional benefits for budding criminal defenders. "The campaign provided law school students with access to legal practice, as well as providing local law schools and high middle schools with professional rights awareness materials."

"It helps to strengthen students and lawyers' consciousness of contributing themselves to legal aid of China," she added.

## IBJ Resolute as China Embraces Justice Reform

In 1996, China revised its criminal procedure code to advance the western concepts of presumption of innocence, the right to an attorney for certain prescribed categories of cases, and the prohibition against coerced confessions. Determined to integrate these changes into common practice, China then set up legal aid clinics across the country to begin to meet the demands of the new law. However, these demands have yet to be met.

IBJ has identified two requisites for fully integrating the new criminal procedure code into practice. The first is a change in attitude. The second is the increase of resources.

Prior to 1996, there was no precedent for an adversarial system in which the defense confronts the state on behalf of a client. As a result, early access to defense is still viewed as an uncommon privilege for the elite few, rather than as the state's responsibility to every citizen. In the time that IBJ has worked in China, it has seen an increase in the number of Chinese law students who practice criminal law. Through its training and long-term reform projects, IBJ provides these lawyers with the tools to sustain their endeavors.

## Promoting Juvenile Justice

In 2008 IBJ promoted National reform efforts by harnessing the resources of the National government in conformance with IBJ's Beijing national initiatives. IBJ also strengthened its regional presence by continuing to strengthen its two Defender Resource centers located in Beijing and Xi'an. These initiatives included targeted efforts to assist vulnerable populations in China.

In January, IBJ held its first region-wide training seminar in Southwest China on juvenile defense. Advocacy for juvenile defense is a priority for IBJ because juveniles in China are legally entitled to appointment of counsel. IBJ is working to protect the people towhom the government has afforded this right. However, the legal resources are insufficient to uphold this law. Thus, many juveniles are unrepresented through the entire criminal process, and wind up with longer periods of pretrial detention and more severe sentencing. These conditions lead to prison overcrowding, for which there is inadequate oversight to curb prison-related abuse.

The training seminar brought together 62 legal aid and private lawyers, select judges, prosecutors, detention officials, and local government officials to discuss alternative ways to fill the gaps in legal representation and legal rights awareness. The training was held in Chongqing in cooperation with the China Society of Juvenile Delinquency Research and the Chongqing Lawyers' Association to encourage the resource-deprived areas of Southwest China to advocate effectively

"TBI has built a platform for dialogue within
the justice community...
I understand that only
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come together will we be
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justice system."

Chongqing Juvenile Court Judge

for the rights of accused juveniles.

A Chongqing juvenile court judge said, "IBJ has built a platform for dialogue within the justice community. Attending IBJ's training, communicating with lawyers, I understand that only when different groups in the justice community come together will we be capable of improving the justice system."

Following this training, IBJ conducted field research in ten locations in China's most populous municipality, Chongqing, to determine the effectiveness of juvenile defenders. Concurrently, IBJ met with judges, prosecutors, and lawyers to explain the need to implement a program that would enable lawyers to represent juveniles at the beginning stages of a case. IBJ will select locations for future pilot projects based on the findings of this research.

In 2008, IBJ also focused on increasing the protection of women and children in the case process. Together with Shaanxi Research Association for Women and Family, IBJ hosted a Women and Children Advocacy Training in Xi'an, 38 participants attended the event, including 23 legal aid lawyers from private firms affiliated with the Research Association for Women and Family. IBJ captured the attention of representatives from less developed areas in southern Shaanxi. A vice director of the justice bureau and a director from a county level legal aid center attended the training. Prosecutor Wang Chaoyong opened the training with a detailed overview of China's protection of women and children from a historical and economic perspective. IBJ's Northwest Regional Director Peter Lowrie presented a lecture on the rules and philosophy of case assessment, and highlighted a hypo-

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## China, continued...



Courtesy of IBJ

IBJ's message was amplified by local media outlets during a nationwide advisement of rights campaign on December 4th.

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thetical case that encouraged participants to develop and organize their own case theory. By applying both a local and foreign legal perspective to the programming materials, legal aid lawyers were exposed to a broader and more practical approach to working with criminal issues and preparing for future cases.

The third major initiative that IBJ undertook in 2008 was the Indigent Defense and Legal Reform Project, a national policy reform project to aid the accused indigent population. The project aims to highlight the indigent population as an underserved population in China's criminal justice system, then to reform the standards of treatment for them using a three pronged approach: first, through establishing a model defender program that will provide training and propose implementation of a certification system for criminal defenders; second, through implementing standards of professional conduct for lawyers and guidelines for management and supervision of China's legal aid system; and third, through local and national policy reform initiatives that seek broader implementation of China's criminal laws, as well as repeal or amendments of those criminal laws that obstruct the fair administration of justice.

In addition to these targeted efforts, IBJ also strength-

ened its on the ground network and dramatically increased its local capacity. IBJ launched a Criminal Clinical Legal Education Project, directed by Robert E. Precht, to integrate academic institutions throughout China into the broader indigent defense system. The project effectively linked five new academic institutions with existing participants from IBJ's National Defender Resource Center in Beijing and its Regional Defender Resource Centers located in Northwest, Southwest, and Southeast China. The new participants in the program include Beijing Normal University Law School, China University of Political Science and Law, Eastern China University of Political Science and Law, Qinghai Nationalities University Law School and Guangxi University Law School. These institutions represent a diversity of regions and demographics, but all have adequate resources to advance communication, collaboration, and the infrastructure of criminal justice reform initiatives.

In 2008, IBJ collaborated with CCCLE, an association of Chinese clinical law educators, to build a curriculum and training program deemed more useful to students studying criminal law in these academic institutions. IBJ and CCCLE also organized training programs and workshops throughout the country, including a two-day National Training Conference in Nanning, Guangxi Province, and a

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# China, continued...

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Regional Training Workshop at Qinghai Nationalities University in Xining. The goal of the latter training was to refine educators' skills and techniques for teaching clinical students. Ira Belkin, a Program Officer with the Ford Foundation and former federal prosecutor at the U.S. Attorney's Office, brought his expertise to the training and delivered a presentation on how China's criminal clinical programs can contribute to the development of the rule of law.

IBJ staff also sponsored two Chinese clinical professors to attend the 5th International Global Alliance for Justice Education (GAJE) Conference in Manila. The conference provided an ideal opportunity for these professors to gain exposure to law schools throughout Asia who are experiencing similar obstacles in the development of criminal clinical legal education programs.

In total, IBJ held seven training events in 2008, through which 300 criminal defenders received legal training. Additionally, IBJ reached 15,000 Chinese citizens through large-scale awareness campaigns, held in 12 regions throughout the country, and distributed over 9,000 packages of legal rights materials. These materials focused on pretrial bail procedure, a mitigation strategy guide for arguing alternatives to incarceration, China's first juvenile defender manual, and a guide to direct examination techniques. China's bar now counts 120,000 lawyers for its more than 1.3 billion citizens, which is a strong criminal legal justice foundation. IBJ looks forward to continuing to help these torch bearers breathe life into Chinese law and bring fairness to the criminal justice system.

## Shifts of Consciousness

As we reflect on this year's work and the cumulative impact of our work since we began in 2000, we notice a difference in the legal landscape. A few highlights from China tell a story of hope. Chinese law makes it clear that police and judicial officers are prohibited from using torture or any other coercive techniques on any suspect or in custody individual (Articles 247 & 248 of the Criminal Law) and subjects those who violate these articles to severe penalties (Articles 232 & 234 of the Criminal Law). On April 2, 2009, Xinhua News reported that the Public Security Bureau, which administers detention centers and prison systems, will conduct a campaign to tackle problems of "special privilege mentalities, dim legal consciousness, and weak conceptions of human rights" that have been utilized by their personnel. On April 4, 2009, the China Daily reported Zhu Chunlin, chief police inspector, as saying, "Eliminating unnatural deaths of inmates during law enforcement and removing safety risks in detention houses are the major tasks this year." In the same article Public Security Minister Meng Jianzhu noted, "Police should dare to, and be willing to, receive public supervision. They should learn how to work and live under the public eye." On that date the paper editorialized, "To prevent such physical abuse and avoid more deaths in police custody, it is important to clarify all legal provisions to detainees' kin and ensure that inmates enjoy their rights.

These shifts in Chinese criminal justice priorities are encouraging. We fully believe that in the coming years we will be reporting on even more accelerated progress.

## Faces of Justice



Born into a farming family, Joyce's parents made many sacrifices while she worked as a tutor and sales girl to fund her law degree from Renmin University. However, unlike most of her classmates who stayed in Beijing, Joyce returned to Xi'an to be close to her family.

Once she began working as a lawyer she was troubled to find that criminal defense lawyers did not receive the recognition they were due and that many ordinary people could not afford legal representation. This desire for more legal aid and greater credit for public interest lawyers led her to IBJ. In supporting local reform initiatives and developing the advocacy skills of defense lawyers, IBJ is acting to spread justice and build better understanding between judges and defense lawyers.

IBJ's mission presents immense challenges, yet Joyce finds that it's those same challenges that she loves most. Meeting people, developing relationships, implementing initiatives, and responding to public policies are all parts of her work. She thanks her colleagues in Geneva and Beijing for their support, guidance, and inspiration in pursuit of IBJ's vision.



## 189 Client Reflects Challenges of Cambodian Justice System

Pong Dary, a Cambodian woman, was detained in June 27, 2007 and charged with illegal confinement. The charge arose from granting refuge to a 15-year-old girl, beaten by her stepmother and seeking to escape. She found her way to Ms. Pong's family, who gave her food. One month later, the father of the girl came looking for her. The father complained to the court, leading to the charge of illegal confinement. Ms. Pong's case was received by criminal defender Mr. Ouk Vandeth on July 9, 2007. He was not allowed to speak with the complainant. The case was dismissed when three witnesses testified before the court on September 9, 2007 that the girl had not been illegally confined, as she had remained free to go.

However, by this point Ms. Pong had spent several months in jail. The effect on her family was devastating. Ms. Pong's husband struggled to raise money to visit his wife in jail and bring food. Ms. Pong received insufficient food in jail, limited to a small amount of rice and two small fish per day.

Guards at the Kampot prison charge 60,000 riel (approx. \$US 15) to make a visit. Given that the average daily income in the provinces is 2000r-4000r (50 cents - \$1), 60,000r amounts to a small fortune. Such bribes are illegal, but the practice occurs throughout Cambodian prisons. The prison chief takes a cut, distributing the remainder to the guards. Despite paying the 60,000 riel bribe Ms. Pong's husband was still not allowed to see his wife. He tried again, each successive visit costing 50,000 riel. The family was forced to sell their land and their two daughters turned to prostitution to raise money to visit and feed their mother.

Neither Ms. Pong nor her husband knew that she had a right to a lawyer. The case only came to Mr. Vandeth inadvertently. Yet thanks to him, the case progressed as quickly as possible and the charges were dismissed. Nevertheless, Ms. Pong and her entire family suffered greatly at the hands of the Cambodian legal system.

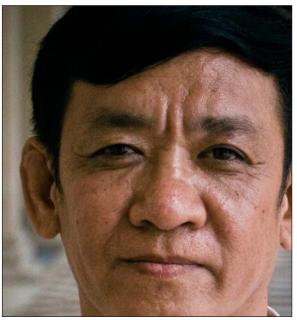
## Cambodia Team Provides Counsel to Hundreds

Overall, 2008 proved to be an important year for strengthening IBJ's roots in Cambodia. With each of our outreach initiatives, we further mapped Cambodia's legal landscape more precisely, identifying areas of strength and weakness. For example, we learned that there is a complete absence of legal aid services in 10 of the 24 provinces; despite the fact these provinces prosecute approximately 15 to 20 new cases each month. The courts try to assign lawyers from Phnom Penh to these cases on an ad hoc basis but there are not enough available attorneys to meet the demand. However, we also learned some more encouraging facts about Cambodia's efforts to enact a fair criminal justice system.

For instance, an accused person undergoes three separate questionings before trial. This process recognizes the importance of uncovering the facts of a case; however, as long as the accused party lacks knowledge of his legal rights the process remains flawed. Under Cambodian law, one has the right to have a lawyer present during all three interrogations, yet this rarely occurs due to the shortage of public defenders. However, thanks to the awareness and dedication of IBJ Fellow Ouk Vandeth, IBJ identified, trained, and developed an ongoing mentoring relationship with 64 Cambodian lawyers who are currently providing legal representation. Additionally, IBJ launched several legal rights awareness initiatives, increasing local knowledge and discourse of Cambodia's criminal justice system. IBJ further conducted 34 street law sessions in nine districts across Cambodia, directly reaching 1109 citizens. Since then, over 1200 additional Cambodian citizens have approached IBJ's lawyers requesting advice. Capitalizing on this success, IBJ expects to open two new Defender Resource Centers in 2009.

In 2008, Ouk Vandeth advised over 130 legal officials throughout Cambodia, including lawyers, judges, and provincial governors. Working with Vandeth has given IBJ a window into the legal constraints at the local level, enabling us to act to remedy them. Vandeth identified the province of Kampong Speu as particularly in need of improved legal representation resources. Although a central province, Kampong Speu has the highest number of pretrial detainees of any province, and one of the highest rates of alleged torture. Since designating this province as a focal point, IBJ has worked to create provincial partnerships to impart greater efficiency to its justice system.

The new Cambodian Criminal Procedure Code, passed in August 2007, permits prosecutors to formally delay proceedings and impose longer detention periods on the accused before trial. Unfortunately, the government's effort to diffuse congestion in the legal system has resulted in increasing the imbalance between prosecutorial and defense counsel, with severe consequences for the latter. Since the introduction of the code, the average length of pre-trial detention has risen to 274.5 days. Approximately 36.2% of Cambodia's prison population is composed of pre-trial detainees. Furthermore, these prisons currently exceed their occupancy capacity by almost 50%. The



Courtesy of Jeff Kennel

#### IBJ Cambodia Fellow, Ouk Vandeth.

code's introduction therefore necessitates a stronger role for criminal defenders, who can move to nullify arrests and dismiss proceedings where prosecutors and police act beyond the limits of their power.

Thus, over the past year IBJ has focused on raising awareness of the new code among both defense and prosecution authorities. Our aim was to bring both sides into a cooperative relationship, to balance the system. With the help of Vandeth, IBJ hosted a training workshop in Phnom Penh discussing the new Criminal Procedure Code and its implications for the criminal justice system as a whole. 17 lawyers representing ten Cambodian legal aid organizations attended the training along with two Cambodian law students. The intimacy of the workshop enabled participants to ask questions and share information representing their diverse experiences.

Due to his familiarity with the subject matter and esteem within the legal community, IBJ requested that Deputy Chief of the Appellate Court, Chuon Sun Leng, lead the training. H.E. Chuon Sun Leng trained the participants on pretrial legal procedure, namely, the rights of the accused, procedures for search and seizure, and investigation of flagrant delicto crimes. H.E. Chuon Sun Leng also offered a set of guidelines based upon his experience to be implemented by these actors to ensure that the rule of law is upheld.

During the training, the participants asked questions relating to their day-to-day casework. Some trainees expressed particular interest in exploring how they could protect the rights of their clients in the face of procedural violations on the part of prosecutors and police. It became clear from this session that defenders are eager to better understand their role and employ their skills in defending clients.



## 18J Teams with MASUM to Drive Justice in West Bengal

A 15-year-old girl named Afsana Khatoon was arrested in West Bengal under suspicion of trespassing into a neighbor's home and stealing. This was no ordinary home, but the home of a well-known lawyer in her community.

Shortly after the complainant reported the case to the police, justice officials were dispatched to his community to conduct an investigation. Afsana, found near the house of the complainant, was promptly arrested and brought to the police station for questioning. Although Afsana stated that she was not responsible for the stolen property, the police conducted a thorough investigation. They searched her bedroom and her family's home, but failed to recover a single piece of stolen property.

Despite this lack of evidence and contrary to the stipulations of India's Juvenile Justice Act, which forbids the detention of a minor, Afsana was placed in a detention facility to await a trial she feared would never come. Her father, the sole provider of the household, was a rickshaw driver, and could not afford to pay for a lawyer.

Two additional factors made anyone wary of assisting with Afsana's case. First, the complainant himself was a lawyer, so his peers felt uneasy coming to Afsana's defense. Second, Afsana's family was part of the Muslim minority in West Bengal, and thus her case was controversial for religious reasons. Consequently, Afsana spent several months in pre-trial detention. She was even denied visitation rights by the police officials.

Undoubtedly, the circumstances caused her family great concern, but they continued to search for a solution. One day, Afsana's father was told about a local NGO partner of IBJ called MASUM that provided legal support to defendants free of charge. The father contacted the organization, and an affiliated lawyer immediately took on the case. MASUM appointed a staff member who worked under IBJ Fellow, Abhijit Datta. Five months after Afsana was taken into detention and only days after MASUM took on the case, Afsana was released. The judge ruled in favor of Afsana because the complainant lacked sufficient evidence and because the police officials had illegally detained her.

# IBJ Sparks Legal Reform, Trains Hundreds in India

Thanks in large part to the pragmatism and determination of our two India Fellows – Ajay Verma and Abhijit Datta – IBJ's program in India is gaining momentum. IBJ was invited to prepare the first ever comprehensive training for Legal Aid attorneys throughout India. The Delhi Legal Aid Authority worked with IBJ's Fellow in New Delhi to include legal aid lawyers from 26 of the 28 Indian States to a ground-breaking event. The San Francisco Public Defender's office supplied legal trainers and paralegals who worked closely with IBJ staff to construct a practical and relevant curriculum. A second training on the heels of the first was hosted by IBJ's West Bengal Fellow.

In a country that only recently (2006) codified plea bargaining and has an enormous backlog of unadjudicated cases, the participants were receptive to rethinking their strategies on effective defense tactics and legal procedure. Training events highlighted techniques, including plea bargains, requests for bail, and evidence examination, to expedite a case. In India, congestion in the criminal justice system has devastating consequences. Over 65% of the people in Indian prisons are pre-trial detainees or prisoners on remand, and approximately 4 people die awaiting trial every day. This number has increased over the past three years. The number of people who are reportedly tortured in prisons each year has remained stagnant over the past five years.

The list of attendees at our New Delhi training suggests that IBJ is conducting innovative work in India.

The Chief Justice of India, Honorable Mr. Justice K.G. Balakrishnan, gave the opening speech to a group of participants that included 4 Supreme Court Justices, 16 High Court Judges, and 134 defense attorneys who represented 26 of the 28 Indian States. In addition to learn-

Training participants included four Supreme Court Justices, 16 High Court Judges, and 134 defense attorneys who represented 26 Indian States.

ing practical defense skills, the trainees also examined the past and present state of the criminal justice system in India and outlined plans to implement the rule of law in their country. These stakeholders jointly committed to advancing criminal justice, formalizing early access to counsel, and working towards the prevention of torture. After the training, the judges requested that similar trainings take place at a regional level, and specifically



Courtesy of Eric Kemp

IBJ West Bengal Fellow, Abhijit Datta.

emphasized the need for legal education in rural communities. To maximize the impact of this training, IBJ created an 109-page Criminal Defense Resource Manual outlining practical defense skills as well as Indian black letter law. These manuals were distributed to each participant in the hope that they would serve as useful resources afterward, and their lessons would be passed on to the local level.

IBJ training in West Bengal was attended by 18 lawyers from courts throughout West Bengal. This event, intended to be a more intimate conversation, focused on outlining concrete ways to improve early access to counsel of accused persons.

Having engaged some of the participants within India's the criminal justice system, IBJ is aware of the magnitude of the work that lies ahead. But the level of commitment and passion demonstrated by the questions and topics raised by participants in these ground-breaking events helped shape the focus of IBJ's efforts in India, reinforcing our belief that grassroots efforts will accomplish critical criminal justice reform.

In addition to the trainings in New Delhi and West Bengal, IBJ successfully partnered with an Indian legal organization called MASUM to provide criminal legal aid to accused persons in 87 cases. IBJ looks forward to expanding our India program in 2009, and providing support to our Fellows.



## 181 Deputy Director Reflects on Burundi Training Event

...On the third training day, we conducted a role playing exercise. Roles were assigned to a case in which a male suspect, identified as Mr. King, was accused of breaking a neighbor's window. It was made clear that King had been associated with a rebel group several years before. After his arrest, King's house was searched (illegally) and an inoperable Kalashnikov rifle was seized. Three defenders were asked to perform the role of the judge; two prosecutors played the accused; a judge played the prosecutor; and a police officer played the part of the defender.

As judges, the defenders mocked King. Their task, they believed, was to extract a confession, and everything short of a confession was a lie. During this judicial interrogation, King was ordered to kneel before the court to feel humiliation. How must the prosecutor have felt to be forced to his knees by the very court he upheld? When the police officer appeared, as the defense lawyer, he was ordered to leave the courtroom. The judge reasoned that his services would only interfere with the fact finding mission. That evening, King

was removed from the courtroom, refusing to admit guilt.

The next day, participants were reassigned to their every-day roles and asked to reenact the trial. A sense of importance filled the room. The participants wore their robes. The audience sat silently while the police ushered the accused into the courtroom. Now he had a competent attorney at his side. The attorney prepared motions that raised every claim and misdeed that the system had perpetrated against his client. The court considered the motions, then requested that the trial proceed on its merits. During the reenactment, King was given the opportunity to present his facts and proclaim his innocence. His lawyer presented supporting evidence, the prosecutor presented the state's evidence, and witnesses and police were called to testify. Finally, the judges ruled. They rose to their feet to underscore the importance of their role. No longer would torture be tolerated.

(The full account of Deputy Director Jean Amabile's experience in Bujumbura can be read at <a href="http://blog.ibj.org/burundi.">http://blog.ibj.org/burundi.</a>)

# Burundi Program Addresses Scars of Genocide

By the end of 2008 IBJ had selected Astère Muyango as our first Burundi Fellow and was planning to start our first Defender Resource Center in 2009. With a new grant from EuropeAid, IBJ has laid the foundation for a transformation of the Burundi criminal justice system.

Today in Burundi, there are approximately only 90 lawyers, a scarce amount relative to the country's overall population of 9 million. The Burundi penal code is outdated and poorly understood. The lack of legal representation combined with the relative inexperience of the few criminal practitioners has contributed to the overcrowding of Burundi's prisons and has weakened the criminal justice system as a whole. Sixty-five percent of the current occupants in Burundi's prisons are awaiting trial, and the vast majority of these occupants are men. These figures indicate that most families who lose a loved one indefinitely to the Burundian prison system also lose their primary source of income.

For the past two years, IBJ has tried to increase the number of people who are taking ownership of Burundi's criminal protections. We have brought them together to work collaboratively on transforming their dysfunctional legal system. The laws on Burundi's books have the capacity to protect the accused and their families, but these laws are often neglected because there are not enough resources to provide legal oversight. To address this problem, IBJ has tried to build core capacity by harnessing the potential of Burundi's grassroots: its ordinary citizens and its defense attorneys. In light of the country's limited resources, IBJ designed two major capac-



Courtesy of IBJ

IBI translated the legal rights of the accused into Kirundi, the national language of Burundi, and distributed 10,000 posters throughout the country's 17 provinces.

ity building initiatives in 2008 to educate as many potential stakeholders as possible.

In early 2008, IBJ initiated a mass canvassing campaign to educate ordinary citizens on their legal rights. IBJ translated the legal rights of the accused into Kirundi, the national language of Burundi, and distributed 10,000 posters throughout the country's 17 provinces. The ripple effect was substantial. The number of requests for representation increased dramatically, demonstrating that these legal rights had resonated with the accused and had inspired them to seek direct legal assistance.

In the summer of 2008, IBJ organized a week long practical skills training and consciousness-raising event in Bujumbura which united the country's legal practitioners with magistrates, police and civil society and put them on a path towards reforming the Burundi's criminal justice system. Revisions in the outdated penal code were discussed, practical legal skill building was introduced and policy reform was debated. The training was attended by 20 of the nation's 90 lawyers, highlighting that criminal justice reform is a priority for Burundi's legal authorities.

Since the training seminars the participants have continued to collaborate with IBJ to set practical goals for improved legal representation and to improve the delivery of legal services in general.

<u>LEFT</u>: A portion of IBJ's Advisement of Rights poster in Kirundi, in which the prison official advises the detainee of his rights.



A mass release of pre-trial detainees is an unlikely event in Harare, Zimbabwe. In fact, the extreme congestion in the court system commonly leads to mass detentions instead. There are too few police officials and judges to efficiently process cases of accused parties and set court dates for them. IBJ's Zimbabwe team prioritizes accused parties who are detained as a result of this congestion.

IBJ Fellow Innocent Maja and IBJ criminal defense lawyer John Burombo teamed up to carry out a mass motion for releases on bail. Innocent and John took on the cases of those 24 pre-trial detainees who had spent the longest period of time in Harare Central Remand Centre. In this case, all 24 had been detained for over one year. They represented a diversity of accusations, ranging from theft to fraud to rape, yet none had been brought before a judge to have their statements heard and facts evaluated.

Aware of the detrimental conditions with the prison

walls, Innocent and John wrote bail applications for the 24 parties. Before a fair trial could take place, each accused party would need to reestablish their ties to their communities, receive proper nourishment, and seek medical attention. Longer detention would only lead to additional suffering. Rather than presenting individual bail requests, Innocent and John drove to Norton Court, an institution located 50 kilometers from Harare, to submit all 24. This was more legal representation than any of these detainees had received in over a year.

Of the 24 applications that were submitted that day, 15 were accepted. To acknowledge that the extent of these detentions were illegal, the court released these 15 parties and waived the bail fee. Unfortunately, two other applicants died while awaiting the results of their bail applications. Both had fallen ill in detention, and were unable to receive sufficient medical attention. IBJ provided the funds to transport the 15 successful bail applicants to their homes to await their trials.



## 189's John Bosco Leads Justice Reforms in Rwanda

After completing his schooling in Uganda, John Bosco moved to Rwanda where he studied law at the National University of Rwanda, graduating in 2005. John entered private practice as an associate lawyer that same year. Sworn in as an Advocate in May 2006, John quickly began taking on pro bono cases in addition to his general caseload.

He is a co-founder of the Centre for Judicial Excellence (CJE) - a Rights Advocacy and Education Centre which focuses on improving legal rights advocacy. Although yet to be fully operational, the registering of an organization which aims to be the future center of legal rights advocacy for Rwanda is, in itself, a great achievement for such a young lawyer. It is also symbolic of John's dedication to the service of his community.

One particular highlight of John's commitment to criminal justice comes through the story of "Norman", an acquaintance John met at a friend's party. Norman was half Rwandan and spoke very little Kinyarwanda (the most prominent language of Rwanda). After receiving a police

summons, Norman appeared at Remera police station, and, after a brief interrogation was detained pending investigation. After 3 days he was sent to Kimironko Prison for lacking a proper address and the pretence that he may elude justice. Norman spent the next four and a half months in prison.

Upon learning of Norman's detention John promptly visited him and applied for a hearing. Norman pleaded not guilty on all counts and confided that his housemate had had an affair with a police officer's wife, who then fled to Uganda out of fear of reprisal. Norman claimed his detention was an act of revenge. In fact, the police had privately told him he was a lesson to all young men who thought they could play around with people's wives.

John secured Norman's release on the basis of the prosecution's lack of evidence and his unlawful detention without trial. Subsequently, Norman thanked John, informing him that if it were not for the legal intervention, he would have likely been killed.

# Rwanda Team Promotes Rights, Primes for Growth

In March 2008, IBJ became a formal partner of the Rwandan Ministry of Justice, Kigali Bar Association, and the Belgian Technical Corporation. The partnership is intended to strengthen efforts geared towards promoting legal aid services and strengthening advocacy and legal education. In discussing the new alliance, the President of the Kigali Bar Association acknowledged IBJ's bottom-up approach to criminal justice reform and confirmed his confidence in this approach, calling the partnership "a huge boost in the provision of social justice at all levels of the country."

TBJ was able to design and distribute 5,200 posters that informed Rwandans of their legal rights if they are arrested.

Through this partnership, IBJ was able to design and distribute 5,200 posters throughout the country's five provinces that informed citizens of their legal rights if they are arrested. IBJ volunteer John Bosco traveled throughout the country to distribute the posters and engaged

ordinary citizens and law enforcement agents about the role and responsibilities within the justice system. He hung the posters in churches, public markets and schools as well as in prisons, police stations, and courts.

In May 2008, IBJ began working directly with the President and Director of Legal Aid and Kigali Bar Association to develop a Criminal Law accreditation program grounded in Rwanda's criminal code. Though Rwandan law formally grants defense counsel to the accused persons, over 80% of defendants in criminal trials do not receive representation or legal advice of any kind. In large part, these circumstances are a result of resource constraints. There are roughly 270 people out of Rwanda's population of 10 million who can practice law, and thus IBJ is working to increase the number of accessible legal aid providers through its accreditation program. This accreditation program will increase the number of legal aid providers in the country, especially in rural communities where legal assistance is disproportionately scarce. Going forward, IBJ will dedicate additional resources to educating citizens on their legal rights, while also increasing local capacity to ensure that these rights are upheld.

IBJ will hire a Fellow in 2009, establish a pilot project, and open the first Defender Resource Center in Rwanda when funding is confirmed.

# Modest Progress in Zimbabwe Amidst Turmoil

It is difficult to incubate the rule of law in the midst of political and economic instability. However, IBJ partners in Zimbabwe see the criminal justice system as a solution to this instability, rather than as the shattered remains of it. Local actors who lead efforts to bring rule of law to Zimbabwe, such as Legal Resources Foundation (LRF), focus primarily on educating defense attorneys in Zimbabwean law and informing individuals of their rights.

Alongside our partners who seek to raise awareness of legal rights throughout Zimbabwe, IBJ has worked to assist local actors in securing these rights on a daily basis. In 2008, IBJ completed three legal manuals geared to criminal defenders, magistrates, and high court judges. Each manual contains black letter law with practical tips for practitioners.

The anticipated distribution of these manuals is particularly important in Zimbabwe because there are only 15 legal aid lawyers in the entire country of 12 million people. All of these criminal defenders live in Harare. These manuals will enable new lawyers and existing lawyers who do not specialize in criminal law to get the information they need to competently represent their clients.



Courtesy of Innocent Maja

IBJ Zimbabwe Fellow Innocent Maja.

In 2008 IBJ selected Innocent Maja as our Zimbabwe Fellow. He immediately opened a Defender Resource Center, and hired staff including John Burombo, an additional lawyer. Together they are actively engaged in rebuilding the criminal justice system of Zimbabwe.





When his father disappeared in December 2001, Ram was still a student at university in Kathmandu. His father, a school teacher, encouraged him to be a social activist, to work within his community to make positive change. After receiving a BA in developmental studies and an MA in sociology, Ram worked in different sectors in various parts of the country, eventually returned to his local village in western Nepal to help support his family who had lost their sole breadwinner. He saw that the trauma his family suffered struck a chord with other villagers whose loved ones had disappeared when the Nepalese army swept through their tiny village seven years before.

This lead to Ram's founding of the Committee for Social

Justice (CSJ), an organization that assists villagers to seek information about those who have gone missing and to help families cope with the traumatic consequences of conflict. CSJ has mobilized families to hold the government accountable for those who have gone missing but just as importantly, CSJ acts as a community support group. His main interest is in "the politics of victimhood" as a way of understanding justice systems. The efforts of CSJ have continued to grow as a local resource for information regarding politics, social justice, and peace building. Seeing the value in public dialogue and education, Ram also became involved with community radio, an essential source of information for remote villages lacking means of communication.

To this day, Ram's and other families have yet to hear whether loved ones are alive or dead. Yet Ram continues to be a voice for his community, and memories and words of his father's help him through the most challenging moments.

# IBJ Launches Online Competition, Catalyzes Projects

In the eight years since IBJ was founded, IBJ has been approached by criminal defenders desperate for assistance on a daily basis. Crumbling infrastructure, lack of legal resources and unchecked instances of torture – the descriptions are dire and the themes are universal. To address this need, IBJ launched Justice-Makers in 2008 – our first foray into the online world and the platform upon which we hope to dramatically increase our impact.

Due to the lack of available resources for criminal justice initiatives – particularly those taking a preventative and holistic approach, IBJ saw an entrée for JusticeMakers via a criminal justice innovation competition. The goal was to identify and fund grassroots legal rights projects in a handful of communities around the world, while building bridges among legal aid advocates in disparate places.

IBJ launched <u>www.justicemakers.net</u> with it's inaugural JusticeMakers competition on June 26, 2008 - the United Nations Day in Support of Victims of Torture and their Families.

The results of this pilot competition were promising. During a five month period, the site was visited 11,000 times by people in 144 countries. Individuals in two-dozen countries proposed detailed strategies for curbing legal abuse in their communities. Hundreds of people commented on and evaluated the merits of the ideas proposed.

On November 20th, the competition came to a close when IBJ announced the eight recipients of the 2008 JusticeMakers Fellowship. Each Fellow received \$5,000 in funding to implement their proposed projects, and

"We are all winners.
Our ideas have been heard far and wide! I will endeavor to fight injustices in my community with whatever conventional and legal tool available.
I hope we will continue to share more as we help make the world a just society"

— Evans Muswahili, Kenyan JusticeMaker

they teamed with IBJ to bring about improvements in the delivery of justice in Brazil, Democratic Republic of Congo, Kenya, Nepal, Nigeria, Pakistan, Philippines, and Swaziland. (See the following page for more detail on the 2008 JusticeMakers Fellows.)

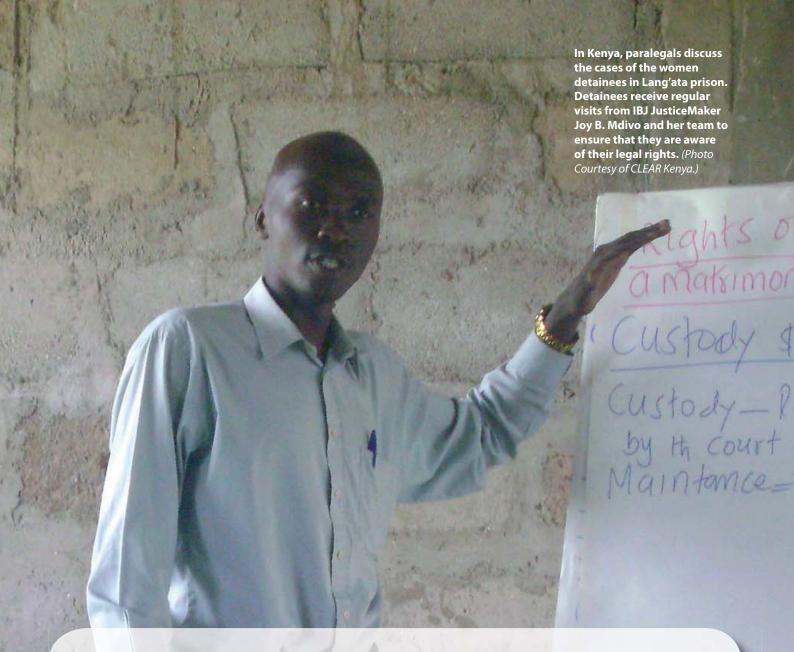
But statistics only tell a small portion of the story. The most heart-warming aspect of the competition was the response from participants - even among those that didn't receive the fellowship. The efforts of Kenyan justice maker Evan Muswahili provide a fine example.

To encourage members of his community to participate in the project evaluation process, Evans rolled out a text-messaging promotional scheme in tandem with a shuttle service to local internet cafes. The effort introduced hundreds of additional Kenyans to the JusticeMakers community and brought much-needed exposure to his strategy. It also gave him hope that, together, the JusticeMakers will be stronger in their quest for reform.

"We are all winners," he said of participants in the competition. "Our ideas have been heard far and wide! I will endeavor to fight injustices in my community with whatever conventional and legal tool available. I hope we will continue to share more as we help make the world a just society."

<u>LEFT</u>: The homepage of <u>www.justicemakers.net</u> during the 2008 competition.





## Kenyan Justice Maker Builds Rapport with Prison Officials

As part of her effort to make detainees aware of their rights and provide them with legal aid, Joy Mdivo - IBJ's Kenyan JusticeMakers Fellow - and her team of lawyers and paralegals make weekly visits to Lang'ata Women's Prison in Nairobi.

The detainees lack a basic understanding of the charges against them and the relevant legal procedures that they should follow. Joy's visits provide prisoners that are awaiting trial the opportunity to talk one-on-one with a lawyer about their case. She and her team review the court files and assess the feasibility of offering free legal representation to the accused. If one of the lawyers decides to proceed with a case, they then advise their client on the best course of action, how to effectively argue their case, and inform them of important court procedures.

The prison authorities were initially reluctant to allow Joy and her team to enter the prison, but the lawyers were eventually granted access and proceed-

ed to interview the prisoners that were awaiting trail.

The team typically spends three hours discussing cases, the majority of which are alleged petty crimes. Typical charges range from theft to failing to comply with Council orders for performing renovations on properties. Wherever possible, the legal team attempts to resolve these cases outside of the courts.

Joy has found the prison authorities very agreeable to work with - they even assist in dispensing legal advice to the women prisoners. As a next step the team is hoping to provide legal education seminars at Lang'ata as a means of extending the reach of their programs to more prisoners. These seminars will occur in tandem with the one-on-one sessions with lawyers and paralegals, thereby ensuring that the prisoners are adequately informed on their rights beyond those that directly concern the allegations against them.

# Eight JusticeMakers Launch Reform Initiatives

The Justice-Makers applicant pool consisted of individuals from a wide array of geographies, with project proposals showcasing a range of justice solutions. We are currently creating mechanisms to ensure future competitions we have a more diverse applicant pool and that there is a wider variety of proposed projects that effectively tackle key problem areas.



#### Angelo Buhle Dube - Swaziland | Justice in Customary Courts

Buhle's commitment to promoting justice is made difficult by the presence of a justice system in Swaziland that can prohibit the accused from making a defense. Armed with a grant from JusticeMakers and a dedicated team of paralegals, Buhle is securing the transfer of human rights abuse cases to courts that entertain legal representation.



#### Aziz Tuffi Saliba - Brazil | Teaching Human Rights

Throughout his career as a law professor, Aziz took on many pro-bono legal cases. With funding from JusticeMakers he is now able to extend his teaching to police officials, ordinary citizens and detainees, who thus armed with knowledge of their rights, specifically habeas corpus, might be able to avoid detention.



Franck Kamuga - DRC | Legal Aid clinic for Abused Women

Franck has worked tirelessly to provide support to families in post-conflict DRC. He believes that a functioning criminal justice system is the key to helping citizens get through the difficult transition period. His project focuses on ensuring that women, who are frequently subject to abuse, have access to legal aid.



Joy B. Mdivo - Kenya | CLEAR Kisumu

Joy has devoted her career to providing legal aid for Kenya's many detainees and to advocating for a national legal aid system. At CLEAR, in addition to providing legal assistance, she is working to decrease the average time spent awaiting trail by training prisoners to represent themselves at bail hearings.



Patrick Chukwudi Dunkwu - Nigeria | Improving Justice through Technology

In Nigeria, countless innocent prisoners are being held in congested prisons without a trial-date in sight. By stationing volunteers at police stations and having them alert lawyers via text message when individuals are placed under arrest, Patrick hopes to intervene early to prevent defendants from being sent to jail unnecessarily.



Ram Kumar Bhandari - Nepal | Strengthening Community Justice

The inadequacies of the judicial system in Nepal feel all too real for Ram, whose father disappeared during the armed-conflict in 2001. By educating the public on their legal rights through media and workshops, he hopes to create a system where citizens and justice officials demand that these rights are upheld.



Rommel Alim Abitria - Philippines | Paralegal Coordinator Project

Rommel has witnessed barriers to the delivery of justice first-hand, particularly where individuals could not afford access to counsel or were unaware of their rights. With IBJ's help he is tackling these issues by training inmates to become paralegals who can represent themselves in court and advise their peers.



Malik Tahir Iqbal - Pakistan | Juvenile Justice

Tahir is working around the clock in Pakistan to ensure that rehabilitation systems are in place for juvenile prisoners and that their legal rights are being upheld. By law, juveniles should be held in separate facilities but often juvenile detainees are held in the same overcrowded cells as adult prisoners.

# Competition Applicants Map Critical Justice Needs

During the three-month JusticeMakers application window, 68 criminal defenders, human rights officers, and judges detailed strategies to curb torture and legal abuse within their communities. Though only 11 of these participants secured the needed funding to immediately bring their ideas to realization, their collective contribution goes further.

Participants provided IBJ with assessments of their local criminal justice environments and blueprints of the specific activities needed for reform. Not only have these proposals sparked discourse among local justice practitioners, but they are inspiring members of

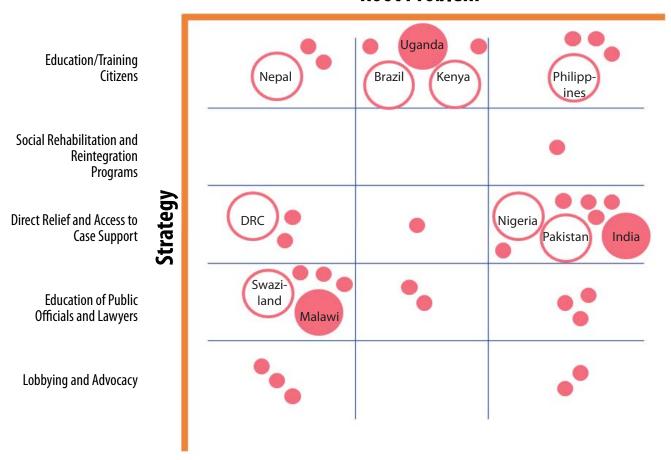
the larger criminal justice community to start similar programs.

The proposals also provide IBJ with an idea of emerging needs and the supply of justice makers equipped to address those challenges. As we expand in the coming years, IBJ will call upon members of this community to lead efforts in their countries, and to help improve the performance of IBJ's core programming.

The diagram below illustrates the proposals of the competition finalists based upon their strategy and their root problem they are seeking to address.

Police Misconduct: Arbitrary Arrest and Physical Abuse Lack of Rights Awareness Delayed/Denied Access to Competent Legal Representation

#### **Root Problem**



2008 JusticeMakers Fellow; Project Started



2008 JusticeMakers Finalist; Project Started\*



Unfunded Competition Finalist

\* IBJ has been working to secure funds for high-quality projects that didn't secure funding through the formal competition processes. As of March 2009, three such projects secured the needed funding to start.

# IBJ to Introduce Injustice Index, Online Training

## Injustice Index

IBJ recognized early on that one of the main issues preventing countries from investing in their criminal justice systems is competition for scarce resources. We recognize the need to make a practical argument about why countries should invest in just systems. Torture costs more than it does to invest in torture-free systems. The idea of the index was born.

The aim of the 'Injustice Index' is to develop and apply meaningful measurement criteria to assess and rank countries on their compliance with existing due process laws. The ultimate intention is to use it as a tool to promote dialogue and constructive discussion with countries interested in improving their overall record in the administration of justice.

In 2008 IBJ assembled a team of UK-based academics and practitioners to develop an index with a specific focus on the use of political imprisonment, exile, torture, and extra-judicial killing. The analysis will generate economic data based on modeling these rights as a public good, with the aim of ranking countries based on their comparative costs of injustice. The pro-bono team will complete a first draft of the index by summer 2009.

## Online Training & Accreditation

Based upon demand from JusticeMakers community members and the demonstrated value of IBJ trainings on the ground, we are enhancing our JusticeMakers platform with a multimedia Online Training program. The effort grows out of a library of training manuals, criminal defense toolkits, and case assessment tools IBJ has created for training seminars in China, Vietnam, Cambodia, India, and Burundi since 2001. With an emphasis on common legal defenses, trial skills, and the interviewing of clients, the program brings the crux of IBJ's pragmatic approach to a global audience.

IBJ used 2008 to take the initial steps in the Online Training rollout – securing legal expertise and creating a framework for our efforts. Much of the momentum driving the program has been derived from the enthusiasm and expertise of Minnesota Court of Appeals Judge Mimi Wright. On sabbatical from her judicial appointment, Mimi teamed with IBJ staff to draft Eight Core Values as a framework for the Online Training curriculum. Namely, the program seeks to facilitate the transformation of transitional justice systems into those that:

- 1. Allow for openness and public oversight
- 2. Allow for safety, humanity, and respect
- 3. Are not arbitrary and have checks and balances
- 4. Account for individual differences
- 5. Embrace concepts of equality
- 6. Embody fairness
- 7. Are swift and communicate to detainees
- 8. Use proportionality and reflect the goals of reformation and rehabilitation.

In 2009, online modules will be created to complement the IBJ's trainings in India, Burundi, and Zimbabwe.

## Faces of Justice



Judge Wilhelmina M. Wright was appointed to the Minnesota Court of Appeals on September 3, 2002. Previously, she was a trial judge on the Ramsey County District Court in Saint Paul, Minnesota. Judge Wright graduated with honors in Literature from Yale University in 1986 and received her J.D. from Harvard Law School in 1989.

Prior to joining the bench, Judge Wright was an Assistant U.S. Attorney for the District of Minnesota, working on complex economic fraud cases and violent crime cases. She was awarded the United States Department of Justice Special Achievement Award in 1997 and the United States Department of Justice Director's Award for Public Service in 2000. Judge Wright also practiced in a Washington, D.C. law firm, primarily representing school districts across the nation seeking to enhance educational opportunities for public school students.

Judge Wright is active in her community, serving on the Board of Trustees of William Mitchell College of Law, the Mardag Foundation Board of Directors, and the Ramsey County Community Corrections Advisory Committee. She received the B. Warren Hart Award for Public Service in 2001 and the Ten Outstanding Young Minnesotans Award in 2000.

# Community of Conscience Drives Delhi Training

Last year the San Francisco Public Defender's Office was pleased to be invited by International Bridges to Justice (IBJ) to be a "Community of Conscience" for India. In July 2008, three attorneys and two paralegals answered IBJ's call and traveled to New Delhi to participate in a three-day conference to help train Indian legal aid lawyers in an IBJ sponsored conference.

Most conference attendees were from Delhi, while others came from Indian states up to 1000 miles away. Some were lawyers because their fathers and grandfathers had been lawyers, but all had a keen sense of justice, saying they had become legal aid layers to work for the poor and needy.

Shri V. S. Tomar from Gujarat state said he became a legal aid lawyer because, "Basically, a human being mostly lives for himself. But sometimes you think, is our life worth living? What have you given back to society?"

Ravi Qazi was one of the first legal aid lawyers to be hired in 1992. He said, at that time, no one wanted the job, or understood the role of a legal aid lawyer. About 90% of his clients say they are mistreated or beaten by the police. He said he has no money to hire experts, and it is practically impossible to get doctors to see his clients.

The conference was based around the words "courage, urgency, and passion," which IBJ founder Karen Tse described as necessary attributes for public defend-

Courtesy of Eric Kemp

"The IBJ experience allowed me to connect to its people and lawyers... many of whom I will never forget and hope to remain in contact through my hopefully many return trips."

— Stephen Zollman, SF Public Defender

ers. The conference instilled the legal aid lawyers with new enthusiasm for their profession, reaffirming their important role in society. This was emphasized by the appearances of 10 High Court justices, four Supreme Court Justices, and the Chief Justice of India during the conference. A woman from Uttar Pradesh state summed it up best. "I have been practicing for 30 years, and this function has been very pleasing. I promise I will be the guardian of due process and fair trials for all."

The San Francisco Public Defender's office continues as a Community of Conscience for India. Manohar Raju will be returning to India in June 2009 to give another IBJ training in Pondicherry, "I was impressed with the enthusiasm of the Indian lawyers, and it was inspiring to see how hungry they were for the sharing of knowledge," he said. Torture still exists in Tamil Nadu state, where the next training will be held. However, Manohar says "Now it's possible to have communication across oceans and to put pressure on authorities to help in the struggle for human rights."

Stephen Zollman also plans to return to India. "The IBJ experience allowed me to learn about another country and its criminal justice system," he said, "but more importantly it allowed me to connect to its people and lawyers... many of whom I will never forget and hope to remain in contact through my hopefully many return trips."

Craig Peters says that the trip to India has had a long term spillover effect. "Seeing that we share common values and struggles with people half way around the world, creates a sense of greater community and purpose to the work we do at home."

(This piece was written by Joan Kruckewitt, a San Francisco Public Defender and Trainer at IBJ's 2008 Delhi Training.)

At each of its Public Defender training exercises, IBJ asks participants to illustrate their vision for criminal justice.
Attendees then identify the skills and changes they would need to realize that vision.

(Photo Courtesy of IBL)

# IBJ's Model

**Core Activities** 

**Beneficiaries** 

**Plan for Growth** 

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page 30

# **Ending Torture in the 21st Century**

Since its founding in 2001, International Bridges to Justice has maintained a single objective: to protect and promote the basic legal rights of every man, woman, and child in developing and transitional countries. Recognizing defense counsel as the citizen's check on the state's legal power, IBJ strives to instill the value of public defense and strengthen grassroots leadership to grow a just legal system in each country where we operate.

Our approach is to identify local leaders capable of delivering competent defense on behalf of the accused community, and provide them with the tools and ongoing support to do so. Empowering grassroots efforts to organize around the principles of a fair legal system ignites the democratic spirit at the most basic level of society – its legal foundation. A system that does not defend the rights of the individual cannot support a true democracy. Thus far, IBJ has used its model to bring protection from torture, basic legal rights, and fair trials to men, women, and children in six countries. Operating from Defender Resource Centers in key locations, IBJ engages in three core activities.

## Criminal Defender Training and Capacity Building

IBJ develops and teaches a comprehensive training curricula designed to help defenders protect the rights of the accused. As criminal justice systems vary in their level of development, IBJ provides a variety of training seminars appropriate for the specific needs of each system. As Public Defenders work to adopt these skills in practice, IBJ provides on-the-job coaching and mentoring.

We also play the roll of the connector – linking individual defenders with their peers, and to a larger community of practice that discusses common defense challenges and highlights practical solutions. Such linkages also enable the mobilization of a broader Public Defender movement in which Defenders are speaking with a common voice. Efforts are also made to build the domestic supply of Public Defenders through a clinical program with partner universities.



Courtesy of Eric Kemp

Program Director Sanjeewa Liyanage leading a training exercise during the IBJ's 2008 event in Delhi.

## Institutional Support to Strengthen Justice Systems

As part of every country program, IBJ facilitates roundtable discussions to create collaboration among Public Defenders, prosecutors, judges, police, legal academics, and others in the criminal justice system. These sessions build trust, mutual respect, and a professional understanding of each other's roles; they also enable discussions on how laws should be properly enforced. In China, these discussions have been a necessary first step towards the construction of a legal infrastructure that will support a national Public Defender movement.

## Improving People's Awareness of Legal Rights

IBJ also combats abuses through advisement of rights workshops, posters, radio programming and other promotional tools. Focused on the right to be free from torture, the right to release from arbitrary detainment, and the right to a fair trail, these devices bring basic freedoms to the forefront in police stations, state institutions and other public spaces. IBJ has also teamed with nonprofit radio stations to broadcast legal rights advisories over the airwaves. Previous work has shown that such tools allow at-risk populations to demand their legal rights at the time of arrest.

# Beneficiaries of Criminal Justice Implementation

IBJ operates in complex environments seeking to bring together parties which usually view each other as adversaries. IBJ has to be bold yet subtle in choosing both its partners and activities. Balancing these potentially conflicting elements and interests, IBJ has identified four key groups we must work with to ensure our efforts produce the broadest possible impact.

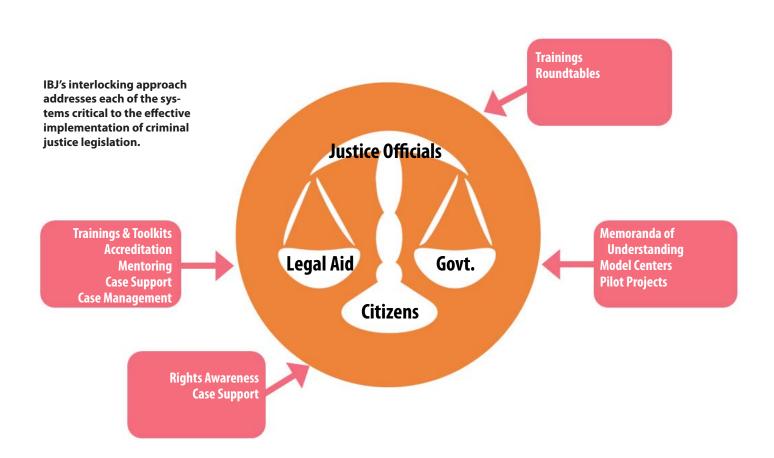
Justice Officials: While IBJ has the most contact with legal aid lawyers, the role of judges, prosecutors, and other justice officials in building a fair criminal justice system is always borne in mind. IBJ incorporates these other actors by inviting them to participate in training events tailored specifically for their needs, as well as in roundtable discussions convened by IBJ.

Legal Aid Lawyers: The main focus and linchpin to the effectiveness of IBJ's activities remains training and capacity building among legal aid lawyers. Perennially under-resourced and over-worked, they remain the only source of hope to the most vulnerable defendants and are vital to the construction of truly fair criminal justice systems.

Government: A key element to IBJ's success over the past eight years has been due to the freedom with which we have been able to operate in countries often hesitant to discuss issues of justice and legal rights with outsiders. The attractiveness of IBJ to governments, in allowing us to enter into their countries and carry out our programming as a foreign-based NGO, is that IBJ is seen not as an interloper but rather as a genuine partner. IBJ's operating model involves close cooperation with local actors, including government officials, ministries of justice, and other affiliated bodies.

Individual Citizens: As well as addressing the particular and specialized needs of legal aid lawyers and others who are directly involved in the justice system every day, IBJ also targets the broader society of countries in which we operate. For IBJ's goals to be truly met, not only must legal aid lawyers be properly trained and available in sufficient numbers, but people must know that they have a right to speak with a lawyer and that these lawyers exist to protect them from torture and other abuses.

Ultimately all of these complex interlocking activities and goals return to the fundamental question: how can we best ensure that indigent and other disadvantaged defendants receive protection from torture and other abuses, while still receiving the full benefit of their legal rights?



# Connecting the Global Defender Community

A continuing challenge and focus for IBJ has been to connect our in-country activities to our Communities of Conscience and other interested justice communities throughout the world. Creating these networks of connection is important for two reasons.

- 1. Public Defenders need more than just tools and training. It is essential that they have access to a supportive international community, opportunities to continually develop, learn, and receive recognition for their work efforts.
- 2. IBJ would like to help every country that asks for help, but we simply do not have the resources to do so.

To meet this demand, we devised a Global Defender Support (GDS) model, through which we seek to increase our resources and bring our programming to a worldwide internet audience.

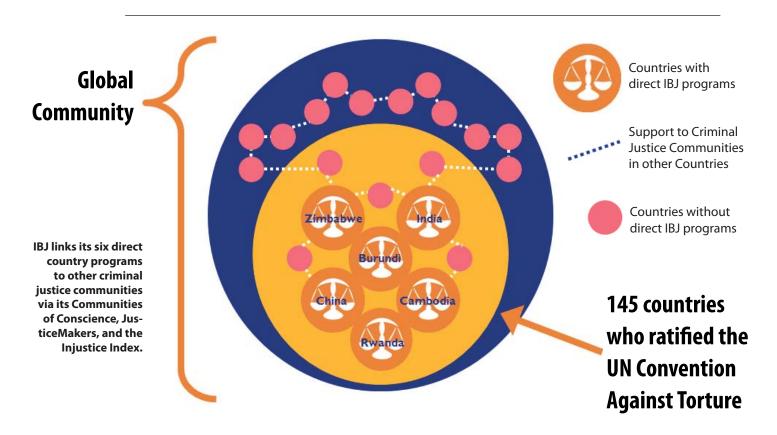
GDS allows IBJ to deliver its training materials beyond the scope of our country programs and introduce a new avenue of support through an interactive online community. Websites like <a href="www.justicemakers.net">www.justicemakers.net</a> connect like-minded legal reform advocates from countries all over the world, who catalyze innovative reform strategies. This strengthens IBJ's top-down and bottom-up approach and encourages fresh solutions and direct support from the grassroots base that IBJ has always cultivated.

Through JusticeMakers IBJ developed an entrée for GDS, via a criminal justice innovation competition

that would discover and fund grassroots legal rights projects in a handful of communities around the world. The JusticeMakers website became a vibrant forum for legal rights discussions. IBJ determined to equip its participants with the tools needed to enact the reforms they hoped for. Complemented by the online communication platform, the competition immediately sparked discourse among a diverse and passionate user base. The forum topics were varied, contemporary and critical, ranging from healing democracy in Kenya, to attempts to disguise impunity, to cross-examination tactics. They pointed to potential benefits that the platform could bring to Public Defenders, NGO officers and other reformers that IBJ has been so desperate to help.

With such ambitions, IBJ's immediate objectives for GDS are as follows:

- 1. To enable intuitive and dependable communication between disparate members of the network via improved performance moderated discussion forums, including updates from already implemented criminal justice initiatives.
- 2. To catalyze innovative and pragmatic ideas for implementing the Rule of Law in local criminal justice systems, through a criminal justice innovation competition and complementary partnership structures.
- 3. To raise the standards of Public Defender practice by populating the network with interactive legal aid training materials.





# IBJ Increases Budget and Diversifies Revenue Base

IBJ's total 2008 income remained at the same level as 2007, \$1.7 million. Excluding in-kind donations, IBJ's income increased by 5% from \$1.42 million in 2007 to \$1.49 million in 2008. The \$70,000 decrease in in-kind donations was because IBJ no longer had a commercial lawyer from Goldman Sachs seconded to us full-time in 2008.

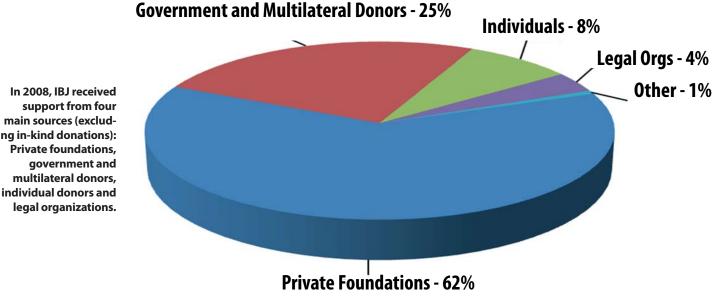
At the start of 2009, we confirmed funding of \$2.1 million for 2009 and commitments for funding through 2010. We continue to investigate longer term sources of funding and are trying to secure funds to increase the 2009 budget to \$2.9 million. This may be difficult in the current financial crisis.

This division of 2008 income is different in several ways from donations 2007:

- 1. In 2008, IBJ received two new awards from US government agencies to continue our work in China over the next three years.
- 2. In 2008, IBJ was awarded our first grants from multilateral agencies:
  - IBJ was awarded funds from EuropeAid, to support and develop our programs in Cambodia, Burundi, and Zimbabwe over three years.
  - IBJ was awarded a grant from the UN Voluntary Fund for Victims of Torture to support our defender training activities in Burundi. They have confirmed support for our work in Zimbabwe in 2009 with a more substantial grant.
  - Financial support received from international legal organizations increased. The International Bar Association and Matrix Chambers Causes Fund continued to support IBJ's programs in Africa, while the Clifford Chance Foundation supported the development of our pilot in India.
- 3. The Skoll Foundation continued to support IBJ through 2008, however no income was recorded for the year 2008 because the income was reported as income in the year the cash was received.

We are taking precautionary measures to reduce our exposure during the financial crisis:

- We have increased the share of our funds that we keep in our Bank of America account.
- We are consulting about a strategy to minimize the risk of unfavorable exchange rate movements in 2009 and beyond.



ing in-kind donations): individual donors and

# **IBJ Management Enters New Chapter**

In 2008 IBJ prospered greatly by embracing the challenge to grow in China and expanding from programs in five countries to 16 countries.

As 2007 drew to a close, our China Director Jennifer Smith had a son and began a new life in New York. We are grateful to Jennifer and her husband Michael Gompers – IBJ's former Training Director – for the deep commitment of time and passion they bestowed upon IBJ during their four years with the organization. In their place new leaders were recruited to IBJ. We welcomed Jim Taylor, Jim Gronquist, Judy Mandel, Leslie Rosenberg, and Robert Precht, all highly experienced criminal defense attorneys. They were partnered with new Chinese staff, Zhang Xiaomin, Dai Ying, Tse Ka Ho,

Zhao Hao and Lei Heng, who provide the local leadership essential to strategic intervention in China.

IBJ expanded its management staff in Cambodia, Burundi, and Zimbabwe. Cambodia's Fellow, Ouk Vandeth was joined by Khay Chanouch, Ouk Chandyna, Ouk Kalyan, Chhom Borey, and Po Vannophea. New Fellows from Burundi, Astere Muyango, and Zimbabwe, Innocent Maja, also joined the organization.

A major accomplishment was the tripling of the number of IBJ volunteers. Without their energy and expertise we could not have achieved this year's great progress.

# IBJ Refines Website, Improves Communications

In 2008, IBJ creatively designed the way we present our activities. An improved website, email newsletters, and the creation of a Documentary Journalist Volunteer Program - the strategies were varied and universally well-received.

The biggest improvement to the website was the addition of the IBJ Web Blog. Located at <a href="http://blog.ibj.org">http://blog.ibj.org</a>, the Web Blog gave the criminal justice community an intimate look at the challenges and triumphs IBJ staff experience on a daily basis. Some examples were a judges perspective on Cambodian criminal justice, a profile on IBJ Fellow Ouk Vandeth, a glimpse of criminal justice on the Bengali border - the Web Blog used photo slide shows, short films, and moving personal narratives to transport readers to the

world of transitional justice. IBJ has incorporated these posts directly into the country pages of <a href="www.ibj.org">www.ibj.org</a> so website visitors can quickly access the latest IBJ news specific to their interests.

IBJ used 2008 to explore the potential of email newsletters to communicate with the larger criminal justice community. Born out of IBJ's JusticeMakers competition, the newsletters shared the innovative ideas of competition participants and highlighted ways email recipients could share their perspective on critical criminal justice issues. The newsletter effort was aided by the services of a cost-effective email marketing vendor that helped IBJ staff customize content and deliver material more in line with readers' interests. The initiative culminated with a year-end email summary of IBJ achievements and an online fundraising campaign that raised thousands of dollars from individual donors.

Of note is the launch of IBJ's Documentary Journalist Volunteer Program. This is an effort to provide budding photo- and print-journalists the opportunity to travel to IBJ program sites, shadow IBJ staff, and produce print, multimedia, and video accounts of IBJ's work. In 2008, the program hosted three photo-journalists – Jeff Kennel in Cambodia, Eric Kemp in India, and Miranda Harple in Burundi. The images featured in this annual report are a testament to the talent and enthusiasm they brought to the program. There will be an even greater benefit in 2009, with 11 documentary journalists traveling to eight countries on behalf of IBJ.



LEFT: IBJ's Web Blog enables staff in the field to quickly share images, films and narrative descriptions of IBJ program events.



## IBJ's Global Criminal Defense Movement

### 2008 Staff & Interns

#### Geneva

Karen Tse Jean Amabile Peter Kenyon Sanjeewa Liyanage Fanny Cachat Tim Scheu Ryann Hoffman Scott Deely Bill Mohler Marlon Zakeyo Divya Khosla Tracey Bolton Bettina Roberts Andrew English Chava Sanderson Zehra Gundogan Philip Esterhazy Clemence Nare Scott Myers Michael Wells-Greco Leslie Liao Jonathan Thomas Cynthia Dea Beatrix Allan Paul Rickard Helene Ogbazghi

#### Burundi

Astere Muyango Miranda Harple Shauna Gillan Fulgence Ndagijimana

#### Cambodia

Ouk Vandeth Jeff Kennel Sarah Brundage Jodi Erickson Rachel Presa

#### China

James Gronquist Jennifer J. Smith Zhang Xiaomin James Taylor Dai Ying Tse Ka Ho Zhang Yun Paula Ho Laura Draper Dong Xuchao Liu Yujin Zhao Hao Lei Heng

#### China, cont.

Angela Tse Dian Yu Wei Zhang Leah Chen Price Danny Lau Wang Yaqiong **Emily Fan** Benjamin Silverman William Yu China, cont. Ellen Zeng **Evan Rosen** Beth Shoesmith Nick Vogel Emma Yu Shi Xi Zhang Hanhui Zhang Yonghui Zhao Yang Huanh Yue **Margot Engley** Jennifer Tsai Yang Jie Jiang Yi Han Mei Peter Stelzer Michael Gompers **Robert Precht** Peter Lowrie Christiana Tu Leslie Rosenberg Marlies Hesselman

#### India

Abhiiit Datta Ajay Verma Eric Kemp Anuj Khetarpal Nassim Hooshmandina William Mattimore

#### Rwanda

John Bosco Whitney Price

#### **Zimbabwe**

Innocent Maja

#### **Web Team**

Flavio Copes Tadib Muqtada Michael Sayed Peter Tikhomirov Christophe Miville

#### Volunteers

#### Chef

Carmen Li

#### Film Crew

Elisabeth Loesch **Erik Schaepers** Silvia Fabiani

#### **Gala Committee**

Marianne Sonder Monique Bloch-Weil Raymond Bloch-Weil Martin Garbani Francoise G. Hess

#### JusticeMakers Judges

Francis James Sanjeewa Liyanage Marilyn Colette Mimi Wright Mehdi Benbouzid Christie S. Warren Eli Aramburo

#### **Injustice Index**

David Kernohan Kjell Anderson Kai Arste Elvira Dominguez Joshua Castellino Thomas Schmidt Todd Landman

#### **Student Consultants**

Natalia Leonard Gavin Ugale Jessica Brown Sunny Chang

#### **Trainers**

Craig Peters Manohar Raja Steve Zollman Joan Kruckewitt **Anthony Sosa** Patrick Mattimore Chantal Mutamuriza

### Governance

#### **Board of Directors**

Francis lames **Grace Toh** Ronald Lew Cornel West Mia Yamamoto David Little Nancy Armand

#### **Advisory Board**

Roger Fisher Daniel Fung Scotty McClellan Anthony Saich Charles Sie

#### **Swiss Council**

Marilyn Colette **Bharat Dube** Henrik Naujoks

## Program Partners

#### Burundi

**APRODH Burundi Bar Association** 

#### Cambodia

Legal Aid of Cambodia

China Univ. of Political Science and Law China Academy of Social Sciences Peking University Law School, Beijing Tsing Hua University Law School, Beijing NW Univ. of Political Science & Law, Xian

#### India

**Dehli Legal Services Association** 

#### Rwanda

Kigali Bar Association Karol Limondin Minister of Justice **Belgian Technical Corporation** 

#### **Zimbabwe**

**Legal Resources Foundation** Prof. Geoff Feltoe Law Society of Zimbabwe

#### **JusticeMakers Partners**

1-Focus International Abusua Foundation African Democracy Forum Asia Philanthropy Forum CILIC **CIVICUS** Columbia Law School **CUNY School of Law Echoing Green** Egyptian Center for Women's Rights GlobalGiving Global Youth Action Network i-genius **IDB Solidarity Program** Legal Rights Forum MOPGEL Peace & Collaborative Development Network Public Interest Law Institute Social Edge Uganda Management **Assistance Program** Women of Uganda Network

Zim. Human Rights NGO Forum

LEFT: The commitment of IBJ's staff and board members, volunteers and partners has enabled the organization to make tremendous progress in 2008.

## Thank You for Your 2008 Financial Contributions

#### **Foundations**

The MacArthur Foundation Open Society Institute OSJI

The Clifford Chance Foundation, Inc.
Matrix Chambers Causes Fund
Bertram Pohl Foundation
WISE Partnership
Bridgeway Foundation
Holthues Trust
Skoll Foundation
US China Legal Cooperation Fund
China Business Forum, Inc. (CLC)
International Bar Association
National Endowment for Democracy

#### Institutions

US State Department DRL UN Voluntary Fund for Victims of Torture EuropeAid American Express Travel Services American Bar Association

#### **Individuals**

Martin Halusa Nishita Shah

#### Individuals, cont.

Brian Rishwain George R. Thornton Bradlee Backman Simon Mulcahy Francine Crème Thuston Kenneth Tse Irwin Howard Warren Ruth Norris Francis James Laurence Roberts Mark E Jacobs Simin O'Brien Dr. Tasneem Jamil Anand Balachandran Jean-Pierre Lehmann Althea Webber Taco van Leperen Dede Callahan Margaret Hecklinger O Zhang Tenaya Britton Mariantonia Losco David Mattiace Robert Choo

#### Individuals, cont.

Michael Bluejay **Stuart Hargreaves** Caroline Beal Martin Poirier **Betty Jeng** Bryan Rimmke Nelson Lee Michiel Nolet Charles O'Kelley Julia B. Nolet **Bettina Roberts** Andrew Colean Judith Penniman Ruth Russell **Dave Anderson** Chad Rosen Alex Wong John Scotcher Leslie Rosenberg Rafael Trujilo **Tracy Stanley** 

#### **Law Firms**

Greenberg Traurig Vitt & Rattigan

## Contribute to the End of Torture in the 21st Century

Matt Hicks

We ask for your commitment to help in whatever way you can. We need help with every aspect of our programs. Financial support, knowledge, advice, assistance, connections, and referrals are invaluable. Your participation today starts another ripple of hope. Thank you for your invaluable support.

#### **Make a Tax-Deductible Donation**

There is no faster way to add resources to IBJ's efforts than a financial contribution. IBJ offers a variety of ways for individual, corporate and institutional donors to support our efforts. Whether you have an interest in a particular country program, our JusticeMakers online platform, or supporting our core administrative costs, your donation or in-kind gift would be invaluable. Please see <a href="https://www.ibj.org/donate">www.ibj.org/donate</a> or call +41.22.731.2441 for more information.

#### **Join Our Team**

With offices in Geneva, Delhi, Kolkata, Phnom Penh, Beijing, Xi'an, Bujumbura, Kigali, and Harare – IBJ is always looking for passionate, entrepreneurial people to join our team. Whether you're a university student looking for an internship, a private lawyer seeking a change of pace, or a nonprofit manager with a penchant for human rights, we'd love to hear from you. Email us at internationalbridges@ibj.org.

#### **Partner**

IBJ is building a global network of institutions to tackle legal abuses at a local level. Whether you're a lawyer or human rights officer with expertise, an engineer with a technology solution, or a government official that can help IBJ navigate public policy, we could use your help! Email us at <a href="mailto:internationalbridges@ibj.org">internationalbridges@ibj.org</a>.

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