

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

REPORT OF ACTIVITIES Since Havana Congress

I welcome you to the XVIth General Assembly of IADL. The last assembly was held in October 2000 at Havana, Cuba. The Havana General Assembly was of great importance not only because it was held in Havana but because it had to take stock of the developments and functioning of IADL since the Cape Town Congress of 1996. The Cape Town Congress is considered as a Congress of revival of IADL. This was so in the background of important international developments which had its impact on the role, importance and functioning of IADL. When we met at Havana in the year 2000 it was a period of euphoria. It had met after a period of intense activity of IADL and the tremendous work that had been done between Cape Town and Havana.

In the period after Havana Congress unprecedented events have taken place and so have been the unprecedented response of the people. This period has also seen gross violations of International Law and of International Humanitarian Law. This period has seen tragedies and wars and huge mobilization of the people. What happened in United States on 9th ^{Sept} November 2001 was a terrorist act and led to a grave human tragedy. Thousands of people lost their lives in terrorist's strike on the World Trade Towers. We have full sympathy with the innocent victims and their families. It was not the first time that the terrorism had raised its ugly head for the first time. The terrorism and the acts of terrorist violence have over decades caused enormous loss of lives and property the world over. However it was the first time that the terrorists struck their major targets in United States of America. The twin towers, a symbol of the capitalist power in New York collapsed having been directly hit by the terrorists. The Pentagon, in Washington DC, a symbol of the might of the mightiest, was in shambles. The terrorism hit their specific targets, which were symbols of imperialism.

Terrorism and terrorist violence cannot be justified. It causes havoc to the lives of innocent people and seeks to create a fear psychosis.

The events of 9/11 came soon after the US elections where George W. Bush snatched the presidency through means, which were hardly democratic or legal. His political credibility was at the lowest. His popularity ratings had gone down to an all time low. The events of 9/11 provided him a convenient handle. In the name of fighting terrorism, George W. Bush unleashed a campaign against peace, democracy and international order. He gave a call for capture of Osama Bin Laden, "Dead or Alive" and attacked Afghanistan. The US and allied force's attack on Afghanistan was illegal and a violation of international law and the Charter of the United Nations. IADL brought out a special issue of its journal, International Review of Contemporary Law. It contains some very

important contributions on various aspects of international law by scholars from different regions of the world.

Soon after IADL affiliate, JALISA sent 7 lawyers to Afghanistan on a fact-finding mission and for documentation of war crimes. Later in 2003 JALISA held an International Peoples Tribunal on War Crimes in Afghanistan. The Tribunal members have in their separate judgments made excellent contribution to the international law.

On the pretext of fighting terrorism, most of the countries around the world passed very stringent laws and put unprecedented curbs on human rights, civil liberties and the rule of law and took away legal safeguards through such anti-terrorists' laws. The anti-terrorists' legislations around the world did not make the world more safe but it certainly made the world less free. This precisely was the subject of an International Conference organised at London by the IADL affiliate, Haldane Society of Socialist Lawyers in cooperation with IADL. The conference was followed by 2-day meeting of IADL bureau at London.

The United States, UK, Spain and their allies meticulously prepared for an attack on Iraq. The George W. Bush declared that it is necessary to remove the dictatorial regime of Saddam Hussain as according to him Iraq possesses weapons of mass destruction, use of which was said to be imminent. The entire build-up for an attack on Iraq was deliberately based on falsehood and deceit as subsequent events have proved. This threat of an attack on Iraq brought millions of people on the streets in every part of the world. This was the most unprecedented anti-war movement where millions of people in each and every country and from every walk of life came out against the imperialist aggression on Iraq. It was clearly emphasized that an attack on Iraq would be illegal and a violation of international law and the UN charter. It would violate the sovereignty of Iraq. Despite its all-out efforts the United States did not dare to go to the United Nations for authorisation or endorsement for this attack on Iraq. Credit must go to France for openly opposing the move to attack Iraq and also taking the position that it will oppose/ veto in the UN Security Council any resolution authorising an attack on Iraq.

Despite strong opposition of the people and most of the countries of the world, the United States and its allies in their arrogance of power attacked Iraq causing enormous loss of life of innocent Iraqi men, women and children, destruction of property, its infrastructure and its natural resources. Even Iraq's historic treasures of three ancient civilizations were destroyed and allowed to be vandalised. The people of Iraq have resisted the attack. There is strong and wide spread resistance to Iraq's occupation by the armies of US and its allies. In the process of resistance the casualties in Iraq continue to mount everyday. We salute the Iraqi people for their sacrifice and valiant efforts in opposing aggression and illegal occupation by US armies.

During the period after Havana, the third Conference of Lawyers of Asia and the Pacific (COLAP-III) was held in October 2001 at Hanoi, Vietnam. The Conference was organised by the Vietnam Lawyers Association and IADL. Thanks to the efforts of our Vietnam friends, the Conference was a big success as lawyers from 28 countries

participated in this conference and discussed issues concerning regions of the Asia and the Pacific. One of the days of the Conference was observed as a day of solidarity with the people of Palestine. The Conference was followed by a 2-day session of the Council of IADL. I am very happy to announce that the next Conference of the Lawyers of Asia and the Pacific (COLAP-IV) is being held at Seoul, South Korea on September 2nd, 3rd and 4th. Due to the efforts of our South Korean colleagues and with the active support of JALISA of Japan, COLAP-IV would be a big success. You must have already received the brochure for COLAP-IV. I would urge you to extend your full support and cooperation to the success of COLAP-IV.

The situation in Palestine continues to be serious. There is enormous loss of life and property. Palestine remains a central issue in the activities of IADL.

In November 2001 IADL in cooperation with Droit Solidarite and a few like-minded French organizations held a highly successful International Conference at Paris on the "Fourth Geneva Convention, the protection of Palestinian people and international law."

A large number of Palestinians have been arrested and detained. An International Conference for release of Palestinian prisoners and for their defense was organised by the Arab Lawyers Union in cooperation with the IADL at Cairo. The conference was a big success due to the wonderful organization of the Arab Lawyers Union. Since then various steps have been taken to assist the Palestinian prisoners and the lawyers defending them. Largely due to the efforts of National Lawyers Guild, US lawyers have been regularly going to Israel and Palestine to organise defense of the Palestinian prisoners. It has been a very difficult task yet some of our friends have undertaken this. The issue of Palestine, defense of Palestinian prisoners, observance of the Fourth Geneva Convention and defense of the Rights of the people is an urgent task. I would urge this General Assembly to draw a concrete plan of action, and entrust its responsibility to the incoming leadership of IADL. It may be necessary to constitute a Working Group, which can continuously work on this issue, regularly monitor and guide the work in this direction. I may mention that the IADL and the NLG supported an amice brief before the Israel Supreme Court that the targeted killing is illegal and a State cannot resort to this practice of targeting people for attack and assassination. While the National Lawyers Guild and the IADL were declined the status of amici by the court but the main petitioners were permitted to file the same in the case. The issue of targeted killing has raised important questions of law, the security of people under foreign occupation and the responsibility of a State not to indulge in planned assassination.

You are aware that the Wall being erected by Israel has already being held by the International Court of Justice in its advisory opinion as being wholly illegal. The Israel have been directed to demolish the Wall which in reality is a wall of annexation. The decisions have not yet been honored. The Israel continues to build the annexation Wall which has also been called as apartheid Wall as it seeks to create ghettos for the Palestinian people, in complete violation of the opinion of the International Court of Justice. On this occasion we remember President Yassar Arafat, a valiant and revolutionary leader of the Palestinian people who passed away last year. He was a symbol of the

Palestinian struggle and lead the Palestinian people for over 40 years. IADL had very good and cordial relations with him. Innumerable delegations and missions of IADL were received by President Arafat and never failed to send a message of good wishes for the success of various events that IADL organised.

The IADL in cooperation with the Union of Bulgarian Jurists organised at Sofia an important International Conference on the impact of Economic Embargo. It was a very successful conference and the UBJ has brought out an excellent compilation of the contributions made at that conference. The Conference adopted a declaration, which required IADL to take necessary steps not only to circulate it to the United Nations but also to create an opinion to urge various countries to take steps to avoid such gross negative impact on the innocent civilians and also on the people of the neighboring countries. Unfortunately, various steps that were required to be taken by IADL to put that decision into effect were not taken on time and effectively. It is necessary for this assembly and for the incoming bureau to ensure that the decisions of the various organs of IADL are implemented in letter and spirit. The International Conference at Sofia was preceded by a Bureau meeting of IADL. In fact it was the first meeting of the Bureau after Havana conference.

IADL also organised a Bureau meeting in October 2003 at the Damascus, Syria. Considering the location, the several issues pertaining to the region came up for discussion. IADL also organised along with the Bureau meeting a day of solidarity with the Syrian lawyers and the people in the background of threats to Syria by United States. The participants of the Bureau visited the Town of Qunatra which was liberated by the Syrian forces 30 years ago. The IADL representatives saw the damage and destruction caused to the town and met the Mayor of Qunatra. It was also noted that the mineral water from Golan Heights which is under Israel occupation is being bottled and marketed by a French company with the support and collaboration of the Government of Israel. The water is a natural resource. It is the people of Syria who have the right to its natural resources. It was suggested that it may be possible to claim compensation on behalf of the people of Syria from the Israeli Government and the French company marketing the water. However it was felt that any such step should be taken with the support and cooperation of the Syrian Bar Association. On the occasion, IADL also adopted a declaration of solidarity with Syria.

Later in 2004 on the invitation of the Syrian Bar Association, President Jitendra Sharma visited Damascus. He had a scheduled meeting with the President of the Syrian Arab Republic, Dr. Bashar Al Assad. A copy of the IADL declaration of solidarity was handed over to President Assad.

The Catalan Association of Democratic Lawyers invited IADL to hold its Bureau meeting at Barcelona in October 2002 along with a seminar on "Contemporary issues relating to Self-determination" organised by the Catalan Association.

During this period the issue of arrest and trial of the 5 Cubans in the United States of America has received our constant attention. The Cuban-5 have been arrested, tried and

sentenced on the charge of conspiracy and attempt to murder. They had infiltrated in an attempt to protect Cuba from terrorist violence the anti-Cuban terrorist lobby which is very active in Miami. While they have committed no crime or espionage against the U.S.A yet they have been convicted for long terms of imprisonment. Their plea that the trial against them should take place outside Florida was illegally turned down. The Cuban-5 have filed an appeal against their conviction. In that appeal IADL have filed an amicus brief that in the existing situation there the non-transfer of trial outside Florida was illegal and has resulted in gross miscarriage of justice and has urged that the appeal should be allowed and conviction satisfied. The appeal has been argued. At the time of the hearing Ms. Jeanne Mirer and Mr. Fabio Marcelli, attended the Appeal Court representing IADL as international observer. The judgment in the appeal have not yet been pronounced despite such a long delay.

The IADL also organised a meeting of its Council at Marseille in France. The Council meeting preceded a 2-day conference organised by Droit Solidarite in cooperation with IADL and with the support of several French organisations. The Conference " Towards a new concept of international and universal public order " was a great success and attracted participation not only various French Organisations but also from representatives of various countries of Europe. A publication in French and English of this conference has been brought out by Droit Solidarite.

November 2004 saw IADL, along with the Indian Association of Lawyers, organise an International Conference on, "Changing Dimensions of Terrorism" at New Delhi.. The Conference was inaugurated by Mr. Shivraj Patil, the Hon'ble Minister of Home Affairs and the concluding session was addressed by Mr. H. R. Bharadwaj, Hon'ble Minister for Law and Justice and was addressed by Senior Judges of the Supreme Court, High Court and the leading lawyers of India, besides a substantial international participation. The Conference was preceded by a 2-day meeting of the IADL Bureau.

The IADL had resolved at its Council meeting at Marseille to organize an International War Crimes Tribunal on Iraq. Prof. Lennox S. Hinds prepared an excellent Charter for the Iraq Tribunal. However due to various reasons beyond the control of IADL, it was not possible to organize the Iraq Tribunal in the manner it was envisaged. control of IADL A preparatory Tribunal was held at Berlin with the participation of IADL along with others. The Tribunal was followed by a 2-day Bureau meeting at Berlin. However, several IADL representatives have been participating in various Tribunals that have been organised in different countries on the issue of war crimes in Iraq. There will be an International War Crimes Tribunal at Istanbul later this month.

During this period IADL participated in several International Conferences, Tribunals, workshops and Seminars as well as in a large number of activities of our affiliates and other organisations, some of those activities are mentioned below:

1. A People's Tribunal was organised in 2001 at Warwick, UK by the Permanent People's Tribunal, Rome and the Warwick University, on Peoples Right and Human Wrongs. The President of IADL was invited to be a member of the jury

of the Tribunal. The Tribunal was also attended by Prof. Bill Bowring and Ms. Jeannie Mirer as the representatives of IADL.

2. In February 2004 IADL participated in the World Social Forum at Mumbai and was represented by the President Mr. Jitendra Sharma. Apart from participating in various activities of forum, President Sharma was on the Panel of the Speakers at the two workshops (i) Relating to war crimes in Iraq, and (ii) On Geneva Initiative and prospects of Peace in Palestine.
3. The last World Social Forum was held at Porto Alegre, Brazil in February 2005. The executive committee of the Association of American Jurists also met in conjunction with the WSF. As per the decision of the New Delhi Bureau, President Sharma attended and participated at the meeting of the executive of AAJ. Ms. Jeanne Mirer, the treasurer was also invited to participate in this executive meeting of the AAJ. The Secretary General of IADL, Mr. Beinusz Szmucklar, who is in the leadership of AAJ was also present and participated in the executive meeting of AAJ. At this meeting several issues relating to inter se relationship between IADL and Regional Organisations were discussed. The historic ties between IADL and AAJ were recapitulated and it was reiterated that the cordial and excellent relations between IADL and AAJ must be further strengthened and both organizations will work in that direction..
4. There were several activities connected with the World Social Forum in which IADL representatives, President Sharma, Secretary General Szmucklar, Treasurer Mirer and Bureau member Fabio Marcelli participated. The AAJ had organised workshops on several subjects like Globalisation, Terrorism, Violations of International Law and The Rights of The People. The workshops were very good, very well attended and excellent presentations were made.

During the WSF the IADL representatives alongwith Prof. Marjori Cohn and Robin Alexander participated in a very important meeting with the Association of Labour Lawyers. There was a very good exchange of information on the various activities. A presentation was also made by Ms. Mirer on the International Commission on Labour Rights. The members of the Association of the Labour Lawyers showed great interest in the activities of IADL and ICLR.

5. The Preparatory Committee for the Conference of Lawyers of Asia and Pacific (COLAP-IV) met at Seoul, South Korea in February 2005. Our friends from South Korea who had participated at COLAP-III at Hanoi, Vietnam proposed to organize COLAP-IV. Prof Osamu Niikura and other friends from JALISA who have really been working with the South Korean friends for organizing COLAP-IV participated in this meeting. The President of IADL Mr. Sharma and the Secretary General of the Vietnamese Lawyers Union Prof. Uc participated in this meeting. The meeting has decided to hold COLAP-IV at Seoul on September 2nd and 3rd, 2005. It is expected that COLAP-IV will attract a good participation from large number of countries of Asia and the Pacific Region.

6. The World Peace Council had its General Assembly in Athens, Greece in 2004. IADL was invited to send a delegation to this Assembly. President Sharma, Vice President Mr. Roland Weyl and Bureau member Mr. Akhtar Hussain comprise the IADL delegation and participated in the General Assembly where important issues relating to Peace, Disarmament and Development were discussed.
7. An International Conference on Peace in Korean Peninsula was co-sponsored by IADL along with its affiliate Korean Democratic Lawyer Association and several other International Organisations in July 2003. The Conference was presided over by President Jitendra Sharma. Along with the Conference Pyongyang International Tribunal into the US War Crimes during the Korean War was also organised. While President Sharma presided over the Tribunal as the Chairman of the Jury alongwith six other representatives, Ms. Beth Lyons served as the Chief Prosecutor at the Tribunal. The President of Bar Association of Jordan Mr. Hussain Moujalli acted as the Officer of the Tribunal. The indictment and the verdict of the Tribunal was soon thereafter submitted to the United Nations and also at the Commission of Human Rights, Geneva.
8. The Permanent Bureau of the Arab Lawyers Union was held in November, 2003 at Beirut, Lebanon. The Arab Lawyers Union specially invited the President, Jitendra Sharma to this important meeting of ALU. Apart from addressing the Bureau, President Sharma established and strengthened contacts with various Bar Associations in the Arab World. This meeting of the Permanent Bureau elected Mr. Ebrahim Essmali as the Secretary General of ALU.
9. Arab Lawyers Union organised an Emergency International Conference on threats of War against Iraq in 2003. Prof. Lennox S. Hinds, Vice President represented IADL at this Conference and made a very important presentation.
10. In pursuance of the decision of the Havana Congress IADL sent a mission of inquiry to Palestine led by Secretary General Mr. Beinusz. They also had a meeting with Late. President Yassar Arafat. The Mission submitted its report which is very relevant at that point of time.
11. After the conclusion of the International Conference for release of Palestine prisoners at Cairo, 7 representatives of the National Lawyers Guild including Ms. Jeanie Mirer alongwith Mr. Martin of Argentina visited Palestine. They met a large number of people and the lawyers who have been defending the Palestine prisoners before the Israel Courts. They also had an opportunity to have a discussion with Late President Yassar Arafat.
12. President Sharma was invited to participate in the Convention of the National Lawyers Guild in October, 2002 at Pasadena, California. In accordance with the decision of IADL, President Sharma participated in the convention. He participated in the meeting of the International Committee, he not only spoke at the International Evening but also addressed the meeting on the case of the Cuban-Five alongwith Mr. Wineglass a Defense Counsel in the case. Bureau Member Mr. Fabio Marcelli

was invited as a guest to the Convention of NLG in October 2003 held in Minneapolis, and participated at the International Committee meeting of NLG.

13. The Democratic Lawyers Association of Bangladesh had their Conference at Dhaka. President Sharma was invited to the Conference but could not attend on account of certain Visa difficulties. Mr. G N Sanghi, Vice President of the Indian Association of Lawyers represented President Sharma at this conference.
14. The Vietnam Lawyers Association called a Conference at Hanoi to discuss various aspects of the then proposed suit on behalf of the victims of Agent Orange in New York. Various organisations of Vietnam attended this meeting. President Sharma was invited to preside over this conference which was also attended by two Lawyers of United States who were associated with the filing of the case later.

This is not a chronicle of activities of IADL and its affiliates. It is an attempt to give a glimpse of some of the activities of IADL.

The period since the last Congress at Havana has been a period of intense activities for IADL but let us not forget that it was also a period of serious difficulties for IADL. It has been a matter of great disappointment that despite all preparations IADL could not organize the International War Crimes Tribunal on Iraq in the manner it has envisaged. There is no proper functioning Secretariat. The publication of the Journal on a continuous basis has not been possible. The finances of IADL continue to be very very meager and if I may say so in a very bad shape. Unless all the members and Associations in different countries take on the responsibility, it is very difficult for our Treasurer to continue to finance various activities of IADL.

There are serious questions about the overall functioning of IADL. Our friends from the Union of Bulgarian Jurists and National Lawyers Guild have submitted their views and suggestions on the working of IADL. They are before you. I would urge the General Assembly to ponder over all these issues. We must find solutions to the various questions. We must induct new people in the leadership of IADL to ensure transition and infusion of fresh blood.

Let us move forward for a stronger and militant IADL in the service of the people and the lawyers. Let us fight for an independent judiciary, a fearless legal profession and for a world free from injustice. Let law be a tool to fight against injustice, for human rights, peace and progress for a world which upholds the rights of the people to be their own masters and be free and independent. Let us together move forward.

Jitendra Sharma

Paris: June 8, 2005