



# ACTIVITIES • BULLETIN

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## **IADL PRESIDENT JITENDRA SHARMA ACCEPTS INVITATION FROM MR. RAJI SOURANI, DIRECTOR, PALESTINIAN CENTRE FOR HUMAN RIGHTS, TO SERVE ON PCHR ADVISORY BOARD**

Dear Raji,

Thanks a lot for your message. I consider it an honor and privilege to be invited to be a member of the International Advisory Board of PCHR. The Center under your leadership is doing a great job. The Weekly Report that the Center brings out is extremely useful and informative. It gives us news that the media normally blacks out.

You are a great defender of the human rights of the Palestinian people. Notwithstanding the personal risks involved you have never hesitated from expressing your views and opinions.

I accept your invitation and extend my full support and cooperation to you and the PCHR in its activities.

With warm regards,  
Jitendra Sharma  
President

International Association of Democratic Lawyers

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## **PHILIPPINE PRESIDENT GLORIA MACAPAGAL-ARROYO FOUND GUILTY OF HUMAN RIGHTS VIOLATIONS BY THE INTERNATIONAL PEOPLE'S TRIBUNAL IN PHILIPPINES; IADL PERMANENT REPRESENTATIVE TO THE U.N. LENNOX S. HINDS SERVES AS A JUDGE**

On 19 August 2005, an International People's Tribunal in Defense of A People Fighting Repression was convened at the Film Institute of the University of the Philippines in Diliman. The Tribunal was part of a week-long International Solidarity Mission (ISM) which investigated allegations of human rights violations against the Arroyo government. The Presidium of Judges included Hon. Lennox Hinds; Hon. Hakan Karakus, a Turkish lawyer and President of the International Association of People's Lawyers (IAPL) and Hon. Irene Fernandez of Malaysia, founder and director of Tenaganita (women's force) and a Nobel Peace Prize nominee. The College of Jurors was composed of 12 members, including lawyers, foreign doctors, educators, human rights defenders and activists from eight countries.

A total of 4207 cases of human rights violations allegedly committed by the Arroyo administration from January 2001 to June 2005 were presented to the Tribunal. The cases affected 232,796 individuals, 24,299 families and 237 communities. At least 400 persons were victims of summary execution; 110 persons were victims of forced disappearance. Twenty of those killed were human rights volunteers. Prior to the Tribunal, the International Solidarity Mission (ISM) organized fact-finding teams to collect evidence.

The Judgment found the defendants, President Gloria Macapagal Arroyo and her administration, guilty of crimes against humanity, and recorded the violations of Philippines and international law by the security forces. The judges held that the abuses were sufficient to support President Arroyo's removal from office, and asked the international community to withdraw aid and

recognition of her government. They also requested that the Government compensate the victims and/or their surviving families for monetary and moral damages, and issue a public apology. Full coverage of the Tribunal can be found in Bulatlat, the Philippines alternative weekly magazine at [www.bulatlat.com](http://www.bulatlat.com).

### **IADL PRESIDENT SHARMA MEETS WITH NATIONAL HUMAN RIGHTS COMMISSION OF KOREA, 1 SEPTEMBER 2005**

IADL President Jitendra Sharma met with the Chairperson of the National Human Rights Commission of Korea (NHRCK), Mr. Young-hoang Cho and members of its staff. President Sharma introduced the IADL, and discussed the human rights situation in India, particularly the Dalit issue. The Commission also was interested in the activities and challenges of the National Human Rights Commission in India. The presentation concluded with a lively question and answer period.

### **WORLD TRIBUNAL ON IRAQ, 24-26 JUNE 2005, ISTANBUL, TURKEY**

IADL Deputy Secretary General and member of the Italian Democratic Lawyers, Fabio Marcelli, attended the World Tribunal on Iraq (WTI) on behalf of IADL and the European Association of Democratic Lawyers. In the tradition of the Russell Tribunal and Permanent Peoples Tribunal, a Jury of Conscience from 10 countries heard testimonies of 54 members of the international Panel of Advocates, including from Iraq, the US and the UK. The WTI Jury of Conscience filed charges against the governments of the UK and the US for violations of the UN Charter, the Geneva Convention and other legal instruments. It urged the ICC Prosecutor to complete his investigation of evidence of war crimes committed by the UK in Iraq, including those committed in a joint criminal enterprise with the government of the U.S. The Joint Declaration on the World Tribunal on Iraq, drafted by Mr. Marcelli and the President of the European Association, Bill Bowring, the former IADL Treasurer, can be found on the IADL website at [www.iadllaw.org](http://www.iadllaw.org).

### **XVIth IADL CONGRESS CONVENES IN PARIS 7-11 JUNE 2005,**

**By Roland Weyl, IADL Vice-President**

Fifty nine years after the founding of IADL in Paris in 1946, more than 370 lawyers from 50 countries returned to Paris for the XVI Congress of IADL,

organized on the theme, "Law and Lawyers in the Service of the People for Peace, Justice and Development."

The opening session set the context and tone for the Congress. Presentations were given by Mrs Desouches on behalf of M. Diouf, Secrétaire Général of the Intergovernmental Agency of Francophonie; by M. Massalah, representing the Général Director of UNESCO; and by M. the Ambassador Michel Doucin, in charge of Human Rights at the Minister of Foreign Affairs. Messages of regret were sent by Mrs. Chaltiel Jourdan, President of the Fédération of Women of Legal Careers; M. Paul Nemo, Président of the Union Internationale of Advocates; Batonnier Benichou, Président of the National Council of Bar; M. Bernard Delanoe and Mrs Marie Pierre de La Gontrie, Président and Vice President of Paris Town Council; M. Magendie, Président of Paris Tribunal; Professor Jean Ziegler, as well as many others to whom we apologize for not listing.

In the afternoon plenary session, presentations were given by M. Eric Akt for the Trade Union of Judges and the newly elected Président of the League for Human Rights, Jean Pierre Dubois. The day concluded at Théâtre Déjazet by commemorating important anniversaries during 2005. These included presentations by a German lawyer who gave an anti-Nazi message, celebrating the surrender of the Nazis; the French Nicole Dreyfus who condemned the massacre of Sétif by French troops in Algeria, and the US lawyer Sirotkin on the crimes at Hiroshima and Nagasaki. Monique Picard-Weyl emphasized the revolutionary meaning of the signing of the UN Charter and M. Gallas, on behalf of the French Peace Movement, discussed the UN Decade for a Culture of Peace. The presentations were followed by a remarkable recital of dances from Argentina, Bali, and Africa as a tribute to the 50<sup>o</sup> anniversary of Bandung.

The days of 8 and 9 June were devoted to the work of the six Commissions: 1- UN Charter, International Relations and International Institutions; 2 - Terrorism, Human Rights and the Right of Resistance; 3- Legal Profession and Independence of the Judiciary; 4- Globalization, Human Rights and Social, Economic and Political Rights of the People; 5 - Right to Information, Transparency and Protection of Journalists; 6 - Protection of the Environment and the Right to Health.

A few highlights: In Commission 1, there was a special session on Palestine and a critical evaluation of the UN Reform proposals in M. Kofi Annan's Report, "In Larger Freedom." In Commission 2, the support of the US to anti-Cuban terrorism, and to the case of the Cuban 5, who were heavily sentenced in Miami for their

action against this terrorist activity were focused on. Commission 4 dealt with the work of the International Commission for Labor Rights (ICLR), created by IADL in cooperation with ICTUR, and ICLR's mission in Colombia. The afternoon session on the 8<sup>th</sup> was enriched by the presentations of the French confederations of trade unions, CGT and UNSA, who responded to the call to present lawyers with what workers expected and needed from them.

On 10 June, the IADL General Assembly adopted a number of resolutions, to be circulated by the newly elected Bureau. In addition, reports of the Commissions and the Resolutions will be published as soon as possible. The General Assembly applauded the support of the Intergovernmental Agency of Francophonie, which had provided a substantial subsidy for the Congress, and Droit Solidarite, IADL's French Association, which committed itself to provide a French language website for IADL.

At the Closing Session at the amphithéâtre Richelieu of the Sorbonne, there were speeches by Mrs Carpi da Rocha, Brazilian Président of the American Association of Jurists; M. Chiuzbaian, Président of the Union of Lawyers of Romania; and the representatives of the Arab Lawyers Union, and of the Association of Lawyers from Africa and Antilles in France, all members of the newly elected Bureau.

In sum, it is obvious that the task of the Congress was enormous. The Congress was an event of struggle and optimism, and demonstrates the strengths which exist among its participants.

## **COLAP4 HELD IN SEOUL, KOREA SEPTEMBER 2-3, 2005**

The Korean Organizing Committee for COLAP4 reports:

The 4<sup>th</sup> Conference of Lawyers in Asia and the Pacific was held in Seoul, Korea at Konkuk University from September 2~3, 2005. This year's conference was a forum of rejuvenation where diversified voices of over 270 participants representing 10 countries – Bangladesh, Egypt, India, Japan, Korea, New Zealand, Pakistan, The Philippines, USA, Vietnam - were heard through constructive and informative discussions under the theme of "Peace, Human Rights, and Co-existence in Asia and the Pacific." In addition, many NGO's participated and held exhibitions during the conference period, and law students from the College of Law at Konkuk University attended the various commissions.

The congratulatory speeches given during the opening session by the Minister of Justice of Korea, Jung-Bae Chun, President Jitendra Sharma and President Suk-Tae Lee of MINBYUN made the conference all the more meaningful. Also, President Young-hoang Cho of the National Human Rights Commission of Korea supported the COLAP4 by holding a welcoming dinner on the first day of the conference.

Three Commissions were held simultaneously during the conference. Commission I discussed issues concentrating on threats against peace in Asia and the Pacific region, especially US hegemony and its world-ruling strategy threatening the peace and security of Northeast Asia, and Japan's return to militarism and the change of Article Nine of its Constitution. Also, the importance of peace movements, peace communities, and international solidarity movements were reconfirmed among participants.

In Commission II, various human rights issues were covered, such as movements to abolish the National Security Law of Korea, anti-terrorism measures, and conscientious objections to war.

Commission III dealt with various issues, such as restructuring the legal systems of Korea and Japan, and the economic and human rights situation of Korea after the 1997 Financial Crisis. A special session discussing labor issues such as the trade union movements of Japan and death from overwork was separately held. (For more information on the papers presented during the conference, please visit the conference website at <http://www.colap4.org>.)

The conference was most fruitful for its unanimously adopted Declaration which is as follows:

### **Declaration of the Fourth Conference of Lawyers in Asia and the Pacific (COLAP4) for Peace, Human Rights and Co-Existence in Asia and the Pacific**

WE, lawyers and citizens of Asia and the Pacific and of other regions of the world, meeting at Seoul in the Republic of Korea, for the Fourth Conference of Lawyers in Asia and the Pacific (COLAP4) on September 2~3, 2005;

**EMPHASIZING** that peace on the Korean peninsula and in Asia and the Pacific region is vital for world peace,

**RECOGNIZING** that the Continent of Asia is undergoing a dramatic economic transformation accompanied by wars of aggression on the people of Asia,

**CONFIRMING** the need for peace and solidarity movements to secure human rights,

**CONVINCED** that we can build interdependent relations to contribute to world peace and development,

**HAVING EXCHANGED VIEWS** and arrived at a common perception on the perspective for “Peace, Human Rights, and Co-existence in Asia and the Pacific,”

Adopt unanimously the following declaration

1. The right to live in peace must be guaranteed for the realization of human rights of the people in Asia and the Pacific and conflicts and disputes between nations and peoples should be prevented and resolved by peaceful means, within a fair and just framework of dialogue and negotiations, on the basis of equality of nations and peoples.
2. We condemn the United States led wars of aggression in Afghanistan, and in Iraq for economic, political and military dominance of the region with the use of weapons illegal in accordance with international law. We call for immediate withdrawal of United States military forces from Iraq and Afghanistan and troops of other countries, including military forces of Korea and Japan from Iraq. We support the right of the people of Iraq, Palestine, and Afghanistan to self-determination; and call for restoration of democracy in Nepal and Burma.
3. We oppose the impositions of sanctions, including economic and political sanctions on the people of any country, under the pretext of eliminating weapons of mass destruction; we also oppose alleged anti-terrorism measures which violate human rights of the people in countries where these measures are imposed.
4. Defense pacts and agreements of rival governments entered into in several regions of Asia including the race for nuclear and conventional armaments, are leading to heightened mutual suspicions. The ongoing military exercises recently conducted in the region are escalating tension and militarization. The US military strategy of rapid forces deployment and military bases in various Asian countries are accelerating military alliances, and are a threat to the peaceful existence of the people of Asia.
5. We oppose the change of Article Nine of the Constitution of Japan, as the principle of

pacifism embodied in Article Nine reflects the constitutional guarantee of the people of Japan to the people of Asia and the Pacific to prevent the recurrence of another aggressive war. Distortion of history should be refrained from, as it prohibits future generations from correctly understanding Japan’s war responsibility. The principle of Article Nine of the Constitution of Japan can serve as an inspiration to peoples in the region and throughout the world.

6. Human rights of the people in Asia and the Pacific continue to be violated in many countries and this must be condemned. In the Philippines, several lawyers who represented people’s causes and judges have recently been assassinated, reflecting on the situation in the region. The rights of migrant workers and casual workers have been disregarded in many countries, this needs to be rectified. Joint efforts and campaigns against multinational corporations and companies violating the basic rights of workers are vital and for this purpose an Asian Human Rights Charter must be drafted.
7. We oppose the ideology of neo-liberal globalization adversely impacting on the lives of workers and farmers, destroying livelihoods, increasing exploitation and hazardous working conditions, with diminishing social security and no health care.

We desire that the dignity of the people of the Asia Pacific region be respected, their aspirations for equality, justice, and democracy be realized.

We believe the peaceful reunification of the Korean peninsula will initiate the continuing process of the peaceful co-existence of peoples in Asia and the Pacific at large.

We pledge our utmost efforts and cooperation for such an initiative.

**IADL SEEKS SUPPORT FOR A WORLD WIDE CAMPAIGN TO HELP THE VIETNAMESE VICTIMS OF AGENT ORANGE; REQUESTS ALL ATTENDEES AT COLAP 4 TO TAKE ACTION.**

**By Jeanne Mirer, IADL Secretary General**

On January 30, 2004 the Vietnamese Association for the Victims of Agent Orange and Dioxin, known as the VAVA, along with several individuals, filed a class action case against the thirty-seven US chemical

companies which manufactured the chemicals used in the war in Vietnam between 1961 and 1971.

This case has its origins at COLAP 3 in Hanoi in October of 2001. At COLAP 3, many of the Vietnamese participants presented papers documenting the continuing public health and environmental problems faced by the Vietnamese people from the spraying of these chemicals even though it was more than thirty years after the US had stopped its chemical warfare against Vietnam.

The Vietnamese people are still living with the devastation of Agent Orange used in that chemical warfare. Recent estimates are that at least 77 million liters of these chemicals were sprayed on Vietnam. Also, according to the most recent data, more than 20,585 Vietnamese hamlets were sprayed, with 3,181 being directly sprayed and at least 2.1 million but perhaps as many as 4.8 million people being exposed during the spraying. At least 6.5% of the land area of Vietnam was sprayed and many areas are still without re-growth. Although dioxin levels are measures in parts per million, researchers have found that more than 800 pounds of the highly dangerous dioxin were sprayed over Vietnam. Thousands of children have been born with birth defects attributable to exposure to dioxin. Many men and women have developed cancers and other conditions associated with exposure to dioxin. Many people who had been directly sprayed have foregone having children for fear of the consequences. Dioxin is still persistent in the environment and in many places, especially near former US Air Bases, there are "hot spots" where these chemicals were spilled and have seeped into the ground and ground water, lakes and rivers. There is bioaccumulation occurring in particular from people eating fish which have high levels of dioxin.

After COLAP 3, the Vietnamese Lawyers Association requested the IADL to investigate whether it was possible to bring a lawsuit in US Courts against the manufacturers of these chemicals seeking compensation for the victims of these agents.

The IADL agreed and through the work of IADL's US affiliate the National Lawyers Guild, a working group was set up to research the issue and determine if such a suit was legally sound. Although there were many concerns, the lawyers on the Working Group concluded that it was possible to use a law in the United States known as the Alien Tort Claims Act to bring such a claim.

The Alien Tort Claims Act was passed in 1789 when the US Constitution was ratified, and gave foreign nationals access to US Courts to sue in Tort, for violations of treaties or the laws of nations.

This law, while aimed at protecting against the effects of piracy and attacks on ambassadors, remained virtually unused until 1980 when the Center for Constitutional Rights brought a case on behalf of a Paraguayan family whose son was tortured and killed against his torturer/killer, a member of the Paraguayan military who was in the United States when he was served with process. The Court found that the Alien Tort Claims Act allowed for the victim to sue for damages resulting from his torture. Filartiga v. Pena-Irala

After the Filartiga case, the Alien Tort Claims Act began to be used to address violations of the laws of nations, seeking damages against individuals and Corporations for violations of laws of nations including extra judicial killings and forced labor. Currently there are cases pending in the US against certain corporations in the US who have utilized the services of para-militaries in Colombia to kill union leaders.

When the lawyers did research in the US on whether the use of these chemicals, like Agent Orange, could violate the Alien Tort Claims Act, it was believed that the use of such chemicals which contained the well known poison, dioxin, was a violation of the Hague Convention of 1907 which outlaws the use of poison or poison weapons in war. The US had ratified this Convention so it was part of US treaty law. There were also other pronouncements and treaties not ratified, like the Geneva Convention of 1925 and various UN resolutions which supported victims' claims that the use of chemical herbicides which contained a known poison violated the laws of nations.

There were, of course, many legal hurdles to overcome including whether there would be a statute of limitations problem that would bar the claims given that it was more than thirty years since the spraying had stopped. The Alien Tort Claims Act does not have any statute of limitations as part of the law, but some courts have found these claims governed by the ten-year statute of limitations in the Torture Victims Protection Act. We were also concerned that the court could find the case was a non-justiciable political question under the "political question" doctrine. Further the issue of whether corporations can be liable for acts committed by the government for which the government has sovereign immunity was an open question.

Nonetheless, the case was filed in New York and assigned to Judge Jack Weinstein, who was required by an order of the court to hear all cases related to Agent Orange, and who was the Judge who had settled the first round of US Veterans' cases and was hearing a second set of US Veterans' cases.

Judge Weinstein is well known as one of the few Judges who believes that US courts should be more knowledgeable of International Law and who could possibly be willing to rule in favor of the Plaintiffs.

Judge Weinstein decided to address the legal rather than the factual issues first. That is, rather than look to see if the individual plaintiffs were made ill by Agent Orange, the question was whether the Plaintiff's had a legal claim at all.

During all of 2004 the parties did more research and briefs were filed by all the companies. The US government was allowed to state its position. The case was argued in February of 2005 and on March 10, 2005 the Court dismissed the case.

In ruling against the plaintiffs the Court nonetheless found that: (1) The statute of limitations did not bar the case because there is no statute of limitations; (2) the case was not barred by the "political question doctrine"; and (3) that if Plaintiffs had proven a violation of International law, the corporations would not be immune from suit if they knew that what they were manufacturing was being used to violate the laws of nations. Judge Weinstein found however that the use of these chemical agents was not the use of poisons in war but was a collateral aspect of an anti-plant herbicide program, and that there were no treaties, Conventions, or other documents ratified by the US at the time of the Vietnam War which outlawed the use of anti-plant herbicides. The court found that although the 1925 Geneva Convention would have outlawed these chemicals it was not ratified by the US until 1975.

The Plaintiffs have taken an appeal to the Court of Appeals

## WHAT SHOULD WE DO?

It is very important that as Progressive Lawyers of Asia Pacific that we stand with the Vietnamese in this fight. This case has many implications for the way in which countries are allowed to carry out war. It can hold accountable those leaders of corporations which provide the materials the government for illegal use in war.

At its Congress in Paris, the IADL agreed to be committed to building a worldwide campaign to bring the plight of the Vietnamese people to the attention of the world. You are part of that. We invite you to do the following things with IADL and with any interested groups:

1. Promote media programs in your countries which will shed light on the ongoing suffering of the people, including sending letters or writing articles, to the press.

2. Perhaps we could think of doing vigils in many cities and countries on the date next year in March on the day that the Court will hear oral argument.
3. Identify experts in international law who may want to participate in a meeting to write an international law experts amicus brief for the Court.
4. I am asking all participants in COLAP4 to identify themselves to IADL and me if you are interested in working directly on this issue.

## IADL JOINS COLAP 4 AND CODAL JOINT DECLARATION CONDEMNING KILLING OF PHILIPPINE LAWYERS

The Counsels for the Defense of Liberties (CODAL) issued a press statement on 4 September 2005, after the COLAP 4 meeting in Seoul. An excerpt appears below.

The Fourth Conference of Lawyers in Asia and the Pacific (COLAP 4) held in Seoul on September 2-3, 2005 issued a Joint Declaration yesterday condemning human rights violations in many Asian countries including the killings of Philippine lawyers which it considered as an attack against the human rights of the Filipino people.

This Declaration followed the scathing criticism of the Gloria Macapagal-Arroyo government from Jitendra Sharma in his keynote speech, for failing to act on the spate of killings and harassment of lawyers in the Philippines. Mr. Sharma, who is the President of the International Association of Democratic Lawyers (IADL) and one of the largest international organizations of lawyers, specifically mentioned the killing of BAYAN (New Patriotic Alliance) chairman Atty. Norman Bocar as the latest of a series of killings that causes concern for lawyers from all over the world.

The Conference, which was attended by about 250 lawyers, law professors and law students from Korea, Japan, US, India, Bangladesh, Egypt, China, Pakistan, New Zealand, Vietnam and the Philippines declared that human rights of the people in Asia and the Pacific continue to be violated in many countries, and this must be condemned. In the Philippines, several lawyers who represented people causes and judges have recently been assassinated, reflecting on the situation in the region. The COLAP confirmed the need for

peace and solidarity movements to secure human rights in the region and the world.

The Philippines was represented by Atty. Neri Javier Colmenares and Atty. Edre U. Olalia, two of the convenors of the Counsels for the Defense of Liberties (CODAL). Olalia also acts as the Vice President of the International Association of People's Lawyers (IAPL) which has earlier denounced in May the previous killings and viewed the Philippines as a "dangerous place" for lawyers and judges.

### **NATIONAL CONFERENCE FOR ENDING THE KOREAN WAR, 25 SEPTEMBER, GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, D.C.**

The Conference, organized by the National Lawyers Guild and Veterans for Peace, urged the U.S. government to end the Korean War by concluding a permanent peace settlement with the Democratic People's Republic of Korea (DPRK). Speakers discussed the continuing state of war between the U.S. and the DPRK as the root cause for the current tensions and arms buildups on the Korean Peninsula. The Conference adopted an "American Declaration of Peace with the Korean People." IADL Alternate Representative Kauko Ito attended the Conference.

### **AMERICAN DECLARATION OF PEACE WITH THE KOREAN PEOPLE**

*Whereas*, we are observing this year the 60<sup>th</sup> anniversary of the landing of the U.S. troops in South Korea and the 52<sup>nd</sup> anniversary of the Korean War Armistice Agreement;

*Whereas*, the U.S. government bears the primary responsibility for the artificial division of Korea in 1945, which has inflicted much suffering to the Korean people, causing tragic separation of family members and even the civil war;

*Whereas*, the Korean people, both in the South and North, desire to achieve a peaceful reunification of their country through mutual cooperation and on their own initiatives without foreign interference;

*Whereas*, the continuing presence of some 34,000 U.S. troops in South Korea is neither necessary nor desirable for further promotion of peace, reconciliation, cooperation, and self-determination in Korea;

*Whereas*, the continuing state of war between the United States and the Democratic People's Republic of Korea (DPRK) is the root cause for the current tensions and arms buildups on the Korean Peninsula;

*Whereas*, the United States possesses more weapons of mass destruction, including nuclear weapons, than any other nation on earth, and has threatened North Korea with nuclear weapons in the past;

*Whereas*, discussions concerning the nuclear weapons development or human rights issues in North Korea can be more useful and productive after the state of war is terminated between the U.S. and the DPRK;

*Whereas*, the U.S. government has been dragging its feet in ending the Korean War officially with a peace treaty, which was first suggested by North Korea in the early 1970s, and such ending is consistent with the wishes of the people of both North and South Korea;

NOW, THEREFORE, the American people, participating in this historic **National Conference for Ending the Korean War** at Georgetown University Law Center, hereby

- 1) *Declare* to the world that the Korean War is over as far as we are concerned, and that we shall live in permanent peace and friendship with the Korean people, whether they are in the South or North;
- 2) *Express* our deep apology and regrets to the Korean people for our government's role in the tragic division of Korea, the great destruction and massacre of civilians during the Korean War, and the U.S. interference in the internal affairs of the Korean people for the past 60 years;
- 3) *Call upon* our government to end finally the long, costly Korean War by concluding a permanent peace settlement with the DPRK, lift all economic sanctions against North Korea, and join the more than 155 other nations in establishing diplomatic relations with the DPRK;
- 4) *Call upon* our government to end immediately the annual joint war games with the South Korean forces, stop relocating and expanding the U. S. military bases below Seoul, and commence a full withdrawal of the U.S. troops and weapons from South Korea immediately;
- 5) *Call upon* our government to drop its dangerous, preemptive nuclear attack plans against North Korea and abide by the disarmament obligations under Article 6 of the Nuclear Non-Proliferation Treaty (NPT) by ending its efforts to develop

new bunker buster nuclear weapons and by accelerating the full dismantlement of its nuclear weapons; and

- 6) *Urge* the American people as a whole to reach out to the people of North Korea in order to foster greater understanding, reconciliation and friendship.

Dated: September 25, 2005  
Washington, DC

### **IADL ENDORSES PETITION TO END THE U.S. OCCUPATION OF KOREA**

The Petition, circulated by the Korea Truth Commission, calls for the (1) immediate withdrawal of U.S. military forces from the Korean peninsula; (2) end of U.S. obstruction and interference to inter-Korean unification and cooperation; and (3) normalization of U.S. relations with North Korea by signing a peace treaty and non-aggression pact ending all threats of pre-emptive military attacks and war.

### **IADL RESPONDS TO ICTR CHIEF PROSECUTOR ON ISSUE OF TRANSFERS TO RWANDA.**

In June 2004, the IADL Bureau passed a Resolution denouncing the transfer of convicted International Criminal Tribunal for Rwanda (ICTR) detainees from Arusha to Rwanda as a threat to their lives and welfare, and a violation of the principles of international justice.

A similar Resolution, opposing the transfer of all ICTR cases to Rwanda, presented by Mr. Hamuli Rety, President, ADAD (Association of Defense Attorneys at Arusha) was adopted by IADL's General Assembly at its Paris Congress in June 2005.

In July 2005, the Chief Prosecutor at the ICTR, Mr. Justice Hassan B. Jallow, responded to IADL's Campaign Against ICTR Transfers to Rwanda. IADL issued a reply to the Prosecutor, and distributed it to UN Secretary General Kofi Annan, ICTR officials, and the press. Both letters are available from IADL Secretary-General Jeanne Mirer at [jmirer@pdmmp.com](mailto:jmirer@pdmmp.com).

### **IADL SUPPORTS NGO LETTER TO SECURITY COUNCIL TO ENDORSE COMMISSION OF EXPERTS FINDINGS ON EAST TIMOR.**

The Recommendations include the establishment of an international criminal tribunal for

the prosecution of high level perpetrators, if the government of Indonesia does not take the necessary steps to hold perpetrators accountable, The letter can be found on the website of the International Center for Transitional Justice, at [www.ictj.org](http://www.ictj.org).

### **ORGANIZATIONS OF LABOUR LAWYERS AND OF THE TRADE UNION MOVEMENT PARTICIPATING IN THE INTERNATIONAL MEETING OF LAWYERS AND TRADE UNION ACTIVISTS HELD IN MEXICO CITY, THE 28<sup>TH</sup>, 29<sup>TH</sup>, AND 30<sup>TH</sup> OF JULY OF 2005 ADOPT PLAN TO COLLABORATE**

The participants decided to create and implement a cooperative network to exchange information on violations of international labour standards and other international legal instruments, and to support actions in defense of workers' and trade unionists' rights, including those that are discriminated against for reasons of gender, race, skin colour, national origin or other basis harmful to human dignity.

In addition, the plan includes creating a monitoring centre for labour law; international observer missions; lobbying activities with labour and social security themes; issuing declarations denouncing violations of the rights of workers and trade unionists and in support of international solidarity; coordinating with journalists; developing compendia of comparative law; involving law students; and promoting agendas which include the following points:

- The redesign of social security systems so that they contemplate the needs and problems of workers and so that they undo the reforms implemented in the 1990s under the imprimatur of the Washington Consensus.
- The protection of workplace health and safety and the prevention of and attention to workplace illnesses and accidents.
- Giving priority to stability in employment as a basic right for the defense of the other rights of workers.
- The defense of a specialized justice system for labour.
- The affirmation of union freedom, the rights of freedom of association and the right to unionize.
- Securing of workplace equality in light of diversity based on gender, native peoples, indigenous workers and the migratory work situation, and eradicating forced labour and child labour.

The Association of Labor Lawyers of Latin America (ALAL) website ([www.alal.info](http://www.alal.info)) will provide information on the e-mail addresses and websites of the lawyers' organizations and their executives in order to facilitate exchange of information and communication.

The ALAL invites all participants of the International Meeting of Labour Lawyers and Trade Union Activists in the Defense of Social Security and Public Enterprise to attend the VII Latin American Meeting of Labour Lawyers, which will be held in Sao Paulo, Brazil, the 17<sup>th</sup> -20<sup>th</sup> of November 2005.

Jeanne Mirer represented IADL, ICLR and the NLG at the International Meeting of Lawyers and Trade Union Activists. The complete plan is available from her at [jmirer@pdmmp.com](mailto:jmirer@pdmmp.com).

**HONORABLE CLAUDIA MORCOM,  
(RETIRED) WAYNE COUNTY CIRCUIT  
COURT JUDGE, WILL PRESENT REPORTS  
TO THE HUMAN RIGHTS COMMITTEE IN  
GENEVA, 17 AND 24 OCTOBER 2005, ON  
BEHALF OF IADL, MEIKLEJOHN CIVIL  
LIBERTIES INSTITUTE (MCLI) AND THE  
PEOPLE'S INSTITUTE (NEW ORLEANS).**

In August 2006, the U.N. Human Rights Committee requested information from the Meiklejohn Civil Liberties Institute, founded and directed by Ann Fagan Ginger, on U.S. government violations of human rights since September 11, 2001 in respect to a) the Patriot Act; b) detentions in Abu Ghraib, Iraq, Afghanistan and Guantanamo; and c) mistreatment at these detention centers. MCLI filed its report on 29 August 2005. In the aftermath of Katrina, MCLI and the People's Institute for Survival and Beyond (based in New Orleans), submitted a second report on 16 September 2005 on fifteen human rights violations by the U.S. government in relation to internally displaced persons after Katrina. For copies of each report, please contact Meiklejohn Civil Liberties Institute at [2005@mcli.org](mailto:2005@mcli.org).

**IN DEFENSE OF FR. JEAN JUSTE AND  
JUSTICE IN HAITI**

At IADL's Congress, the General Assembly passed a resolution to fight repression in Haiti, and emphasized the need to defend Father Gerard Jean Juste. Fr. Jean-Juste, an outspoken voice for human rights, democracy

and justice for the poor in Haiti, remains in prison in Port au Prince. He was arrested after being beaten while participating in a funeral mass in a Catholic church. None of the people who beat him have been arrested. Clearly, the objective of his arrest and continued detention is to silence him. He was detained on July 21 on charges of murder, but as of 11 October, no ordonnance (indictment) had been issued by the investigating magistrate. Under law, the investigating magistrate has until 28 October to issue an ordonnance. Fr. Jean-Juste has been designated as a Prisoner of Conscience by Amnesty International, and has joined hundreds of other political prisoners in the jails of Haiti. Continued attention and pressure by IADL on the US and unelected government of Haiti is vital to restoring democracy and respect for human rights. For more information, please contact Mario Joseph, Bureau des Avocats Internationaux, Port-au-Prince, Haiti, 509-554-4284 [mariohaiti@aol.com](mailto:mariohaiti@aol.com) or Brian Concannon Jr., Esq., Institute for Justice & Democracy in Haiti Joseph, OR USA, (41) 432-0597 [brian@ijdh.org](mailto:brian@ijdh.org)

**STATEMENT OF IADL REGARDING THE  
CUBAN FIVE**

The International Association of Democratic Lawyers (IADL), which has Consultative status with ECOSOC, UNESCO and UNICEF and members in over 96 countries, welcomed the decision dated August 9 2005 of the 11th Circuit Court of Appeal in Atlanta in the case of the Cuban Five. This decision reversed the convictions of the Five on the basis that they did not receive a fair trial in Miami Florida. IADL now condemns the decision of the US government to seek a review of this decision by the full 11th Circuit Court of Appeals.

The Cuban Five, Gerardo Hernández, Antonio Guerrero, Ramón Labañino, René González and Fernando González, were living in Miami, monitoring the ultra-right terrorist groups in Miami who were carrying out violent actions against the people of Cuba. The Five were arrested by the FBI in September 1998, prosecuted, convicted and sentenced in December 2001 on conspiracy to commit espionage and murder charges by a Court in Miami after a trial that took in total more than a year and that was in no way a fair trial before an impartial court.

The 5 were sentenced from 15 years to a double life sentence. The decision to prosecute the 5 anti-terrorist activists was in sharp contrast with the official rhetoric of the Bush administration on the so-called "war on

terror". The Cuban Five were monitoring groups like Alpha 66, Omega 7, Brothers to the Rescue, and Cuban American National Foundation involved in such violent and terrorist activities as bombings, assassinations and other sabotage, against Cuban civilians.

Since 1959 these groups have been organizing terrorism against Cuba with the financial, logistical and moral support of US government and the CIA. They are to be considered as instruments of US state terrorism against the Cuban people. The case of the Cuban Five therefore reveals the hypocrisy and the double standards of the "war on terrorism" waged by the US administration. It shows that the US administration is not at all interested in protecting innocent civilians from terrorist attacks, but is using both anti-terrorist measures and state terrorism as instruments to fight dissent, opposition and resistance against the US policy.

During the initial trial in Miami the defense of the Cuban Five was not allowed to raise the question of the illegal US organized or sponsored terrorist actions against Cuba since 1959. A fair trial is impossible as long as this question cannot be fully and openly debated in the Court.

The courageous decision dated August 9, 2005 of the 11th Circuit Court of Appeal in Atlanta analyzes in a detailed way the questions of venue and fair trial and comes to the conclusion that the Cuban Five did not benefit from a fair trial. The decision cites over a hundred different incidents, beginning with jury selection, comments made by jurors, to newspapers being in the courtroom, to the press following jurors to their cars with video cameras rolling, a witness calling a defense lawyer a "communist spy" and the lack of loyalty of the prosecution to come to the final conclusion that the decision of the Court in Miami should be annulled.

The National Lawyers Guild submitted a brief amicus curiae, in which IADL joined, and argued strenuously that a fair trial could not be held in Miami, and cited a case which showed that after arguing the Cuban Five could get a fair trial in Miami, they turned around and argued the government could not get a fair trial in a case brought by a Cuban individual against a government agency.

The US attorney in Southern Florida has now asked the full 11th Circuit to hear the case. IADL believes that there is no legal basis or justification for the full 11th Circuit to re hear this case, and urges the Judges of the Circuit to deny this request forthwith.

The IADL urges the US judicial authorities to drop immediately all charges against the Five who have been unjustly detained for 7 years. The IADL also joins the appeal signed by hundreds of well known activists from

all over the world to release immediately the Cuban Five.

The IADL commits itself to continued support to the campaign to free the Cuban Five and will take all necessary steps to encourage its member organizations in all continents to participate actively in the campaign.

**THE COLLEGE OF LAWYERS OF PUERTO RICO PASSED A RESOLUTION IN SUPPORT OF THE CUBAN FIVE, AND PRESENTED IT TO AN INTERNATIONAL CRIMINAL LAW MEETING IN HAVANA IN OCTOBER 2005. THE RESOLUTION IS AVAILABLE FROM THE UNION OF CUBAN JURISTS AT [unic@unic.co.cu](mailto:unic@unic.co.cu).**

**IADL COMMEMORATES THE 60<sup>TH</sup> ANNIVERSARY OF THE U.S. BOMBING OF HIROSHIMA AT 2005 WORLD CONFERENCE AGAINST A & H BOMBS, 3 AUGUST 2005, JAPAN**

More than 260 delegates from 29 countries marked the 60<sup>th</sup> Anniversary of the U.S. bombings of Hiroshima and Nagasaki.

**CONFERENCE DECLARATION  
60 Years Since the Atomic Bombing:  
Time to Develop Actions and Cooperation for a  
Nuclear Weapon-Free, Peaceful, Just World**

In August 1945, two nuclear bombs dropped on Hiroshima and Nagasaki by the U.S. instantly devastated the two cities, killing over 200,000 people by the end of that year, and leaving many surviving Hibakusha tormented both mentally and physically. It was a crime against humanity and raised the alarm of annihilation of humankind. Henceforth humans have had to struggle for their own survival. In the 60 years since then, Hibakusha, amidst their own suffering, have made an appeal, "Humans cannot co-exist with nuclear weapons". This call developed into a global demand for the abolition of nuclear weapons, that prevented the outbreak of nuclear war many times.

Assembled at the 2005 World Conference against A & H Bombs, joined by a record number of 264 overseas delegates from 29 countries, we take this 60th anniversary to renew our call to the citizens of the world to respond to the Hibakusha's wishes and in solidarity renew their determination to achieve a peaceful world free of nuclear weapons.

Despite public opinion calling for nuclear weapons to be abolished, 30,000 nuclear weapons are still deployed or stockpiled, jeopardizing human survival. With its policies and behavior the nuclear superpower, the U.S.A., has given rise to strong protest in every corner of the world.

At the NPT Review Conference held in May 2005, the U.S. government, using the emerging “threats” of “terrorism and proliferation of weapons of mass destruction”, refused to honor the “unequivocal undertaking” to eliminate nuclear weapons and other disarmament agreements, the commitment to the renunciation of the use of nuclear weapons against non-nuclear states, and the commitment to ratify the Comprehensive Test Ban Treaty.

Having persisted in its commitment to attack Iraq in dire disregard of worldwide opposition, the Bush Administration continues the policy of responding to “new threats” with pre-emptive attacks. By inciting fear to these “threats”, it is pressing the international community to help carry out U.S.-initiated war. It is developing “usable nuclear weapons”, promoting the first strike related “Missile Defense” program and weaponization of outer space, and reinforcing its nuclear weapons monopoly ostensibly to counter “proliferation”.

This U.S. policy is based on dangerous unilateralism that undermines the U.N. Charter and other international law and agreements. The aim is to control the world by its overwhelming nuclear supremacy and monstrously swollen military power. But as seen in the continuing war and quagmire in Iraq and the spread of terrorism throughout the world, this so-called “solution” only aggravates the problems of terrorism and nuclear or other weapons of mass destruction. Thwarting the nuclear superpower’s move to rule the world through military power, the international community must hold to the universal principle of resolving international conflicts through peaceful means and earnestly pursuing the abolition of nuclear weapons. This should apply to the efforts to make the Korean Peninsula and the Middle East/West Asia zones free of nuclear weapons.

In this 60th year, the voices and actions of the people of the world for a nuclear weapon-free and peaceful world have gathered momentum in defiance of persistent backlash: cooperation and solidarity developed as demonstrated in the major New York action on the eve of the NPT Review Conference. In addition to the efforts made by the Mayors for Peace, Nuclear Weapon-Free Zones countries, the Non-Aligned Movement and the New Agenda Coalition, support for the implementation of the “unequivocal undertaking” to eliminate nuclear weapons is gaining ground among countries affiliated with military alliances. The world’s

NGOs and both local and national governments are increasing their cooperation, leadership and initiatives.

In order to restore peace and security to the world, we must accelerate this positive trend. We will strengthen the movement to demand a total ban and the elimination of nuclear weapons, the movement to establish a peaceful order based on the U.N. Charter, international law and reason in opposition to the use of force, and the movement to create a just world without poverty, discrimination, suppression of human rights and environmental destruction. We will build solidarity between all these movements respecting their diversity.

Today, the world is looking to Japan as the only nation that has suffered from the use of nuclear weapons in war, and that has a Constitution prohibiting the use of force and the possession of war potentials. The government of Japan, while talking about the elimination of nuclear weapons, actually seeks security provided by the U.S. “nuclear umbrella”. It cooperates in the reorganization and strengthening of U.S. military bases in Japan, in line with the U.S. preemptive attack policy, and in “Missile Defense” deployment. It even supports the policy of using nuclear weapons as “part of deterrence”. Also, we are witnessing the Self-Defense Forces’ increasing deployment abroad, ongoing preparation for war, the eulogizing of Japan’s past wars, and further, the possible revision of the Constitution. These moves are arousing deep concern and anger especially among the peoples of Asia.

The world wants Japan to honor its pacifist Constitution and Three Non-Nuclear Principles (not to possess, produce or allow introduction of nuclear weapons) in resolving international conflicts through peaceful means and abolishing nuclear weapons. Facing the moves to negate these, we in the World Conference express our warmest support for and solidarity with the people of Japan in their opposition to the revision of Article 9 of the Japanese Constitution, which has pioneering significance for world peace.

Let us make the 60th year since the bombing of Hiroshima and Nagasaki and the 50th year of the World Conference against A & H Bombs a turning point to achieve a nuclear weapon-free, peaceful and just world.

The United Nations, having declared as its purpose to save humanity from the scourge of war and pledged in its First Resolution to eliminate nuclear arms, must play a unique and vital role to free humanity from the threat of nuclear weapons. We call on all U.N. member states to make special efforts so that the U.N. Summit in September 2005 and the General Assembly session that follows, will open a path to achieve without delay a treaty totally banning and eliminating nuclear weapons. To this end, let us start a major campaign in the nuclear powers and their allies to press the governments to fulfill

their obligation to abolish nuclear weapons. As the 55th Pugwash Conferences on Science and World Affairs held in Hiroshima on the eve of this World Conference pointed out, we must firmly convince the public of the fact that “the security of each state is best served by concluding a Nuclear Weapons Convention prohibiting such weapons”.

The anti-nuclear and peace movement has been a driving force to expand and strengthen the current for the abolition of nuclear weapons in world politics. We must rally the broader public through grassroots campaigns, invigorate anti-nuclear peace forces in each country, and develop worldwide solidarity and joint actions. Let us stage a variety of activities all over the world, including signature campaigns to demand the abolition of nuclear weapons, placing opinion ads in newspapers, peace marches, seminars and discussion meetings, grassroots actions on August 6 and 9, A-bomb photo exhibitions and events to listen to the Hibakusha testimonies. In support of the Hibakusha of Hiroshima and Nagasaki and nuclear victims in different countries, let us promote international solidarity and exchanges, calling on the people of the world to take action for nuclear weapons abolition and the creation of a culture of peace.

In this 60th year, by reaffirming the historical significance of Hiroshima and Nagasaki and confirming that the abolition of nuclear weapons is essential for the survival of humanity, let us develop voluntary, grassroots movements on every continent and all around the world. Aiming at a peaceful world without nuclear weapons and wars, let us encourage young people to take action, create new hope and build up these massive movements.

### **EXCERPT OF PRESENTATION BY MR. KAZUYOSHI SAITO, REPRESENTATIVE ADVISOR OF IADL**

Hibakusha [witnesses/survivors of the atomic bombs] should be at the center of the struggle for the abolition of nuclear weapons

This is the 60<sup>th</sup> year since the atomic bombings of Hiroshima and Nagasaki. Enduring many hardships, Hibakusha have been carrying on a life-and-death struggle to get nuclear weapons to be abolished.

Recently, a movement began to call for Hibakusha and the Japan Confederation of A- and H-bomb Sufferers Organizations to be nominated for Nobel Prize. I call on this conference to support this initiative.

I make this request because I believe that the struggle for the abolition of nuclear weapons have their roots in the suffering of Hibakusha.

The full presentation, entitled “60 Years After Nuclear Bombs - Aspiration for a Peaceful World with No Nuclear Weapons,” is available from IADL Deputy Secretary General Osamu Niikura at [oniikura@als.aoyama.ac.jp](mailto:oniikura@als.aoyama.ac.jp).

### **ISRAELI HIGH COURT OF JUSTICE DENIES PALESTINIAN DETAINEE ACCESS TO A LAWYER**

*The Israeli High Court of Justice, 25 July 2005, dismissed a petition submitted by PCHR on behalf of Mohammad Said Shaqqura, 32, from Beit Lahia in the northern Gaza Strip, Occupied Palestinian Territory (OPT). The petition sought to ensure that Shaqqura was given access to a lawyer during his interrogation in an Israeli prison.*

The full PCHR Press Release is available at [www.pchrgaza.org](http://www.pchrgaza.org).

### **ACTIVITIES REPORT FROM IADL NATIONAL AFFILIATES**

#### **From Japan Lawyers International Solidarity Association (JALISA):**

#### **STATEMENT OPPOSING VIOLENCE AGAINST LAWYERS, SOCIAL ACTIVISTS AND RELIGIOUS WORKERS IN THE PHILIPPINES**

During recent years in the Philippines there have been frequent instances in which lawyers, social activists, and religious workers are assassinated or intimidated. This year already four lawyers have been killed. Even the well-known democratic lawyer Romeo Capulong, who served as an Ad Litem Judge of the UN’s International Crime Tribunal for the Former Yugoslavia, was attacked by someone. It has been observed that there is Philippine military involvement behind such incidents.

Needless to say, the International Covenant on Civil and Political Rights guarantees the inalienable right to life, and the right to be free of unlawful interference in one’s private life, residence, and family. People have the freedoms of thought and creed, and the freedom to hold opinions without interference, and they naturally enjoy the freedom of expression.

If lawyers, social activists, and religious workers who support poverty-afflicted people find their right to live

infringed or when their lives are exposed to danger because of their work, it means their basic freedoms and rights are not guaranteed. When those who support the people are violently attacked, it is even more difficult to remedy rights violations against most of the people.

Governments, which are responsible for their citizens, have an important duty to take swift action to prevent violent attacks against lawyers, social activists, and religious workers and to punish the perpetrators, instead of doing nothing about such attacks. This is evident in view of the "Basic Principles on the Role of Lawyers," confirmed at the 1990 UN Congress on the Prevention of Crime and the Treatment of Offenders.

As an organization of Japanese democratic lawyers working to deepen international solidarity among the world's democratic lawyers, to bring about world peace, and to guarantee the rights of people around the world, JALISA makes the following requests of the Philippine government:

1. Perform fact-finding investigations on violent attacks against lawyers, social activists, and religious workers, and publicly release the results.
2. Punish the perpetrators of all violent attacks against lawyers, social activists, and religious workers, as well as accomplices associated with the central government, regional governments, and the military.
3. Take effective measures to prevent harm to lawyers, social activists, and religious workers who are exposed to violent attacks and under the threat thereof.

JALISA shall continue to monitor the circumstances of lawyers, social activists, and religious workers in the Philippines. Additionally we shall ask the Japanese government to review ODA projects in connection with this issue, and we shall call it to the attention of many people.

JALISA also sent an "Open Letter to the Philippine Ambassador to Japan on the Assassinations of Lawyers and Social Activists."

### **From Droit-Solidarite (France)**

#### **Roland Weyl reports:**

On 7-8 October, Droit Solidarite and IADL members from Belgium, England, France and Italy met a) to discuss an alternative to the draft of the European Constitution; and b) to organize a promotional meeting for lawyers and association in various European

associations in relation with IADL. Under the initiative of Droit Solidarite, a French language website for IADL has now been constructed, at [aijd.free.fr](http://aijd.free.fr). Also, the August-September, and October issues of La Lettre de Droit Solidarite are available from Roland Weyl at [mrwjur@club-internet.fr](mailto:mrwjur@club-internet.fr)

### **2005 WORLD SUMMIT HELD AT U.N. HEADQUARTERS, 14-16 SEPTEMBER 2005; CIVIL SOCIETY EXCLUDED**

As a follow-up to the Millenium Summit in 2000, more than 170 Heads of State and Government - the largest gathering of world leaders in history - convened for the World Summit at U.N. headquarters. Civil society was excluded from the Summit, and the UN was closed to NGOs during the two week period surrounding the Summit. Only three NGOs - International Confederation of Free Trade Unions, a human rights NGO from Peru and an NGO from the private sector - were chosen by a special Task Force to attend the official Summit. NGOs organized a one-day parallel conference on 13 September, OPEN-UN 2005 Agenda, at Riverside Church, New York City. Alternate Representatives Kazuko Ito and Beth Lyons attended the NGO conference. More information is available at [www.reformtheun.org](http://www.reformtheun.org).

Secretary-General Kofi Annan's Report, "In Larger Freedom," released in March, served as the basis for the Summit's agenda: the implementation of the Millenium Development Goals (MDG) and UN Reform.

In late August, however, the US demanded extensive numbers of amendments and the scrapping of more than 400 passages in the thirty-eight page draft Outcome Document, prepared by General Assembly President Jean Ping. These reflected US objections to the ICC, the Kyoto Protocol, the Comprehensive Test Ban Treaty and the application of .07 per cent of a Member State's GNP to development. In order to reach consensus by the Summit, Member States negotiated and reached their conclusions on 13 September. A Final Outcome Document was adopted. This Document, and the previous drafts, are available at [www.un.org/summit2005](http://www.un.org/summit2005) or [www.un-ngls.org/UN-summit.htm](http://www.un-ngls.org/UN-summit.htm).

The Final Outcome Document affirms the view that development, peace and security and human rights are the three pillars necessary to implement the Millenium Summit. The Document also creates a Peace-building Commission and resolves to create a Human Rights

Council. It reaffirms its commitment to SC Resolution 1325 (2000) on women , peace and security, and urges all States to consider ratification of the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Struggle. In addition, it affirms Millenium Declaration commitments to global partnerships for financing for development, debt cancellation, the elimination of HIV/AIDS/Malaria, for Gender Equality and meeting the special needs of Africa.

Although the Final Outcome Document preserved the fundamental value and direction of the earlier draft, there are many problems. (1) Acquiescing to the U.S. demands, all clauses on disarmament and non-proliferation, were eliminated; (2) Clauses, found in the Annan Report, regarding the cooperation with ICC and other international justice mechanisms to end impunity for the most serious crime, such as crimes of genocide, crimes against humanity and war crimes, were totally eliminated. There are no references to the ICC; (3) Earlier draft language stating that “we agree that the use of force should be considered as an instrument of last resort” is eliminated; (4) There is no proposal for any structure for the Human Rights Council, nor is there any commitment to consult with NGOs or the current Commission and other human rights structures in Geneva; (5) There are no concrete proposals for reform of the Security Council; (6) It does not address reform of international financial institutions or condemn structural adjustment programs.

Negotiations will continue among Member States during the 60<sup>th</sup> Session and next year. It is important that IADL, with other NGOs, participate in the continuing struggle for UN Reform, and emphasize the essential role of NGOs in the process.

#### **ACTIVITIES OF IADL U.N. REPRESENTATIVES (NEW YORK)**

A major focus of UN work has been the World Summit, including analyses of the Annan Report and the Final Outcome Document, contributed by Alternate Representative Kazuko Ito and IADL member John Kim.

In addition, IADL participated in the following: Conference of Global Partnership for the Prevention of Armed Conflict (GPPAC) (July, New York); Sub-Commission on Human Rights (Geneva)(July-August); Annual DPI-NGO Conference (September, New York); OpenUN2005 Agenda (September, New York); National Anti-War Demonstration (24 September, Washington, DC); National Conference for Ending the Korean War

(September, Washington, DC); Conference on “International Criminal Tribunals in the 21<sup>st</sup> Century” (September, Washington, D.C.); Briefing on the Special Working Group on the Crime of Aggression (September, New York).

On the organizational front, IADL Permanent Representative to the U.N. Lennox S. Hinds convened a meeting in July with interested members of the International Committee of the National Lawyers Guild, as a follow-up to the Paris Congress. IADL has also applied for membership in the NGO Working Group on the Security Council, and submitted reports to OHCHR [on implementation of the WCAR Declaration and Programme], and to ECOSOC [Quadrennial Report].

#### **ICC NEWS:**

The Assembly of States Parties (ASP), Fourth Session, will take place in The Hague, 28 November - 3 December 2005. More information is available on the ICC website: [www.iccnw.org](http://www.iccnw.org)

Information from the Coalition for the International Criminal Court (CICC) is now available in Arabic, with the first edition of "Al-Mahkama," or "The Court," the quarterly Arabic publication on the International Criminal Court and related developments in the Middle East and North Africa . It is available online at: <http://iccnw.org/publications/almahkamah.html>

**UNITED NATIONS CALENDAR OF EVENTS**  
**November - December 2005**

Date(s)	Event	Location
November 7 – 11	Commission on Narcotics Drugs, meeting of heads of national drug law enforcement agencies, Asia and the Pacific region	Vienna
November 7 – 11	Conference on the States Parties of the Convention on the Prohibition of Chemical Weapons, tenth session	The Hague
November 14 – 25	Committee against Torture, thirty-fifth session	Geneva
November 14 – 22	Group of governmental experts of the States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, twelfth session	Geneva
November 21 – 30	Commission on Human Rights, Working Group on Enforced and Involuntary Disappearances	Geneva
November 28 – December 3	Assembly of States Parties to the Rome Statute of the International Criminal Court	The Hague
November 29	Committee on the Exercise of the Inalienable Rights of the Palestinian People, Special Meeting in Observance of the International Day of Solidarity with the Palestinian People	New York
November 30	Tenth meeting of the States Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Geneva
November	Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (1 meeting)	New York
December 5 – 16	Commission on Human Rights, Working Group on the draft United Nations Declarations on the Rights of Indigenous Peoples	Geneva
December 12 – 16	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	Geneva
December	Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the Programme of the United Nations High Commissioner for Refugees (1 meeting)	Geneva
December	United Nations Latin America and Caribbean Meeting on the Question of Palestine (3 days)	Place to be determined
Dates to be determined	Conference on Facilitating the Entry into Force of the comprehensive Nuclear-Test-Ban Treaty	Vienna
Dates to be determined	Ad Hoc Committee on the Indian Ocean (1 day)	New York
Dates to be determined	High-Level Open-ended Working Group on the Financial Situation of the United Nations	New York
Dates to be determined	Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	Geneva
Dates to be determined	Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	New York
Dates to be determined	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States between 1 January and 31 December 1994	Arusha
Dates to be determined	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	The Hague

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**Officers and Representatives**  
**(Elected at the XVth Congress, October 2000)**

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