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Interights, the International Centre for the Legal Protection of Human Rights, is an international human rights law centre established in 1982 to provide leadership in the development of legal protection for human rights and freedoms worldwide through the effective use of international and comparative human rights law.

Interights assists lawyers, judges, non-governmental organisations and victims in the preparation of cases before national, regional and international tribunals; submits amicus curiae briefs in cases raising important issues concerning the interpretation of fundamental rights; offers representation before regional and international tribunals; conducts workshops and seminars on the techniques associated with the use and interpretation of human rights law; and publishes materials to ensure that developments in human rights law are widely known.

Interights holds Consultative Status with the United Nations Economic and Social Council, with the Council of Europe and with the African Commission for Human and Peoples Rights and is authorised to present collective complaints under the European Social Charter.

A registered charity, Interights is dependent on grants from foundations and on donations from individual supporters.

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After two decades of committed work by people with considerable expertise and experience in the legal protection and promotion of human rights, this year has seen many important achievements for Interights, as our staff and Board members, our international Advisory Council and our global network of partners and volunteers have all contributed to an extensive programme of work in our key regions and on our key legal themes.

After many years working in partnership with African NGOs, we played a leading role in the ratification process leading to the establishment of the African Court on Human and Peoples Rights. We have advised in relation to several pieces of draft legislation and have filed amicus submissions in a number of significant and successful cases, in both domestic and international courts and tribunals. Interights has continued to work well with a substantial number of NGOs around the world, has provided training for over 800 people and has hosted some 56 volunteers or interns. Our publications and the detailed information posted on our website have continued to provide useful summaries of the work we are involved in and the website continues to receive many thousands of visits each week. In addition our participation in seminars, conferences and a variety of public events has continued on a regular basis.

At a time when the challenges to the protection of human rights are perhaps greater than they have ever been, Interights has continued to develop the necessary expertise, skills and good working relationships with our partners at the local level to face those challenges and to continue to secure advances in the effective legal protection of those rights. In the years to come we will continue to respond to the human rights environment post September 11 by adopting a renewed focus on liberty and security litigation; by forging even closer relationships internationally, to maximise the impact of our work; and by finding additional ways of securing our financial future.

This Annual Review provides much information about those with whom we work and those in whose interests we all act. Yet inevitably it can provide only a summary of the important work we undertake. I encourage all of you to visit our website at www.interights.org and learn more of all we do to ensure the effective legal protection of human rights worldwide.

Leanne MacMillan

Executive Director

Interights was established over 20 years ago to promote and protect human rights through the use of law and legal institutions. We aim to contribute to the ongoing development of international human rights norms and to the effective use and improvement of global, regional, and national mechanisms for the protection of human rights. Interights three key working methods – support and advice on individual cases, training of lawyers and judges, and publishing information on international and comparative human rights law – provide us with tools to work with a range of groups in protecting human rights. We support both lawyers and NGOs bringing cases to courts, but also ensure that the judges and courts responsible for interpreting and enforcing human rights have access to the latest international and comparative material through our publishing and training activities.

Interights work over the year is detailed in this report including a review of our regional programmes in Africa, Central and Eastern Europe/Former Soviet Union, the Commonwealth and South Asia and our efforts to strengthen the global and regional norms and mechanisms through our thematic work on equality, liberty and security, freedom of expression and economic, social and cultural rights.

AFRICA

There were a number of important developments in the protection of human rights in Africa over the year. The Protocol for the African Court on Human and Peoples Rights attracted almost two-thirds of the ratifications it needed for it to enter into force, sub-regional courts of justice were set up in East, West and Southern Africa, and the Protocol on the Human Rights of Women in Africa opened for ratification. Yet despite these significant normative and institutional advances, the reality of life among ordinary Africans does not attest to these positive changes. An estimated 51% of the population of the continent lives on less than US\$1 a day, while civil wars and instability exist in many countries across Africa. There is still an urgent need to sensitise states to new developments in the protection of human rights and to sustain existing regional human rights mechanisms. While the legal framework exists for the protection of human rights, much remains to be done to fully realise the norms embodied in the African Charter on Human and Peoples Rights in order to ensure they become a reality.

Through carefully targeted casework, training and publications, Interights Africa programme supports the development of national and regional human rights processes and institutions in Africa. Our three key objectives in the region are:

to help regional human rights systems be more effective in tackling the continents continuing human rights problems;

to help national-level advocates, activists, organisations, and institutions be better able to protect human rights domestically and through the use of international mechanisms; and

to develop a body of regional law and practice that will help to prevent future violations of human rights.

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS

Helping to Reform Procedures

During 2002/03, Interights began discussions with the African Commission on Human and Peoples Rights (the Commission) to identify sustainable solutions to problems in carrying out its protective duties. The Commission was set up in 1987 to promote human rights and ensure their protection in Africa (including receiving, considering, and deciding complaints of human rights violations committed by African governments against their own citizens and residents or against the citizens of other African countries). Historically, the protective work of the Commission has been hampered by a lack of capacity and inadequate technical skills given resource constraints. In February 2003, we hosted a meeting of the Bureau of the African Commission to review the Commissions communications and state reporting procedures. We worked with consultants in this research – Professor Frans Viljoen, University of Pretoria and Professor Salif Yonaba, University of Burkina Faso. After presenting their initial report they continued their programme of work with a view to presenting a final report for adoption by the Commission in October 2003.

Our team provided ongoing support to the Commission by advising its Working Group on how to increase both public awareness of and recourse to the Commission, to speed up the processing of complaints it receives and to monitor whether states comply with its decisions.

Taking Part in Commission Sessions

In May 2002, at the 31st session of the Commission, Interights gave a presentation on Elections and Human Rights in Africa. Held in Pretoria, South Africa, the session gave us an important opportunity to voice our concerns regarding democratic election procedures, and to meet with partner NGOs from across the region to identify further initiatives on how to protect human rights in Africa.

At the same session, we submitted guidelines on access to justice and fair trial. These guidelines were the final stage of a process that began in November 1999 when Interights, in collaboration with the African Society for International and Comparative Law and Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), organised a seminar for the Commission on Fair Trial in Africa. The seminar proved a great success, with the Commission fully taking up the recommendations we made and consulting with the Working Group we set up to ensure those recommendations were implemented.

The African Charter on Human and Peoples Rights

The African Charter on Human and Peoples Rights is a regional instrument adopted by the African Commission in 1981. Despite the considerable lapse of time, the Commission does not yet have coherent strategies to address the economic, social and cultural rights described in the Charter. Interights was asked to organise a seminar to inform the work of the Commission in this area. With our partners – the Cairo Institute for Human Rights Studies (CIHRS), Centre for Human Rights at the University of Pretoria and the Social and Economic Rights Action Centre (SERAC), Nigeria – we began preparatory work for a conference to take place in Cairo, Egypt in mid-2004.

Support from the African Commission on Human and Peoples Rights

The Secretariat of the African Commission on Human and Peoples Rights is in receipt, with thanks, of Interights Annual Review covering the period April 2001 to March 2002? Interights activities with regional and thematic programmes, dissemination of information on human rights, intervention in cases for victims of human rights violations, and its involvement with a range of other training programs and projects, is of great interest to the African Commission and our work.

We wish to commend the efforts of your organization to keep in touch with us and please be informed that we appreciate receiving information and publications from your esteemed organization on a regular basis.

I thank you for your continued interest and co-operation with the work of the African Commission.

Germain Baricako, Secretary to the African Commission, the Gambia

Collaborating with the UN Special Rapporteur on Violence Against Women

As well as working closely with the Commission, we supported the work of the UN Special Rapporteur on Violence Against Women when we helped to design and implement a project investigating forms of violence against women. The goal of the project was to research and document comparative law, practice, patterns, and attitudes concerning different types of violence against women, including violence arising from conflict, domestic relations and trafficking. We worked with local partners UNIFEM and the Centre Canadien d'Études et de Coopération Internationale (CECI) to send field researchers to the Côte d'Ivoire, Democratic Republic of the Congo (DRC), Guinea Bissau, Rwanda and Sierra Leone. The results of the project were key to informing recommendations made by the Special Rapporteur to African governments on how to directly tackle violence against women.

THE AFRICAN COURT ON HUMAN AND PEOPLES RIGHTS

Over the year, we were involved in the historic process of setting up the new African Court on Human and Peoples Rights (the Court). Working in close collaboration with the Commission and the Organization of African Unity, Interights developed ways to help African states support the establishment of the Court. We produced and disseminated ratification kits providing clear guidelines to African NGOs and governments in the region about the relationship between the Court and the Commission. We also helped to organise a conference for all West African states on the establishment of the Court which has since been held in Niamey, Niger. The meeting was critical to the process of ratification and was attended by senior state representatives from Benin, Burkina Faso, Côte d'Ivoire, the Gambia, Ghana, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. The existence of a new regional court devoted specifically to human rights will be a huge leap forward for the strengthening of human rights, at the regional, national and international level. The establishment and functioning of the Court will continue to be a key feature of Interights work in the next few years.

TRAINING INITIATIVES

Training judges, lawyers and other human rights advocates is an integral part of our strategy to ensure better protection of human rights in the future. In September 2002, we assisted in training in two West African states. Responding to a request by the State Chief Judge and Legal Defence and Aid Project (LEDAP), we organised the training of lower bench officials in Enugu State, Nigeria on human rights and the administration of justice. The second training was at the invitation of the West African Refugees and Internally Displaced Persons Network (WARIPNet) on the legal protection of refugees in Dakar, Senegal.

CASEWORK	
ISSUE	OUR ROLE
Discrimination	We advised an Algerian lawyer on unfair dismissal on account of his sexual orientation. The case was successful, resulting in the lawyers immediate reinstatement.
Extra-judicial, Summary and Arbitrary Killings	At the request of Nigerian NGOs and the World Organisation Against Torture we drafted a complaint regarding Nigerias responsibility for repeated extra-judicial, summary, and arbitrary killings by the security and armed forces, and communal militias (Network Against Violence and Impunity (NAVI) & Ors v Nigeria). Since May 1999, over 10,000 deaths and more than a million cases of internal displacement have been recorded. The complaint was submitted to both the UN Committee Against Torture and the African Commission.
Filing Human Rights Cases before Local Tribunals	We collaborated with two British NGOs, the Centre for Democracy and Development (CODEP) and Justice Africa, to provide advice to West African organisations on the filing of human rights cases before local tribunals in the Côte d'Ivoire.
Forced Disappearance	We submitted a response to Algeria memorial on the exhaustion of domestic remedies for human rights violations in response to a communication to the UN Human Rights Committee against Algeria regarding a forced disappearance eight years prior.
Forced Marriage	We assisted the Senegalese womens rights group, the African Network for Integrated Development (RADI), in developing a case before the Committee on the Elimination of Discrimination Against Women on forced and early marriage.
Freedom of Expression	We assisted in preparing communications filed against the conviction and mistreatment of Professor Saad Eddin Ibrahim and seven staff members of the Ibn Khaldun Center in Cairo, Egypt for defaming the Republic of Egypt (Pan African Movement et al v Arab Republic of Egypt and Arab Organisation for Human Rights v Egypt). The Egyptian Court of Cassation annulled the conviction and ordered a retrial on 27 April 2002 when we prepared a request for provisional measures enabling Professor Ibrahim to receive medical treatment for deteriorating health.
Health, Life	We gave assistance in a communication to the Commission in which the authors of the case seek to enforce the rights to health and life on behalf of several people detained under the Lunatics Detention Act 1917 of the Gambia. The case, Purohit & Moore v The Gambia, was considered at the Commissions 32nd Session in October 2002.
Non-Refoulement	We filed a complaint in Interights & Ors v Botswana, alleging a violation of the right to life in the execution of Ms Bosch by the government of Botswana in March 2001, despite the Commission indicating provisional measures in her favour.
Non-Refoulement	We provided a comparative law summary on non-refoulement to the Ditswanelo Botswana Human Rights Centre, which requested our help in the case of Namibian asylum-seekers from the troubled Caprivi Strip, who were at risk of being forcibly returned to Namibia from Botswana for trial on charges of treason. The case will be appealed before the High Court.
Process and Property Rights	We provided assistance to the Association of North West Cameroon in submitting a communication to the Commission on behalf of victims who sustained injuries during Cameroons 1992 post-presidential elections, and who were seeking due process and property rights.
Statelessness	We helped prepare a complaint to the UN Human Rights Committee concerning five Tutsis in the Eastern Congo whose Congolese nationality was inexplicably and summarily annulled by the Democratic Republic of Congo in 1989, rendering them stateless. When we became involved their case had been lingering in the national courts for 12 years without redress or remedy.

OUTREACH

Our outreach work continued throughout the year, particularly in Central Africa (Cameroon, Chad, Congo, Equatorial Guinea and Gabon) where we participated in a consultative initiative on the human rights situation in the region organised by the British Foreign and Commonwealth Office. We also contributed to discussions on the development of ways to monitor human rights violations in Francophone West Africa at a meeting held in Cotonou, Benin Republic.

We participated in the annual meeting of the Advisory Board for Rights and Citizenship for West African Women, a project based in Bamako, Mali in May 2002. This project was run by the Centre canadien d'étude et de coopération internationale (CECI). Discussions focused on the possibilities of collaboration between Sub-Saharan NGOs and the UN Special Rapporteur on the Human Rights of Women.

The French Bulletin Making Information Available

We continue to work in many jurisdictions, such as the Francophone African countries, where access to international and comparative law material in the French language is severely limited. Given our commitment to provide resources to human rights advocates in all regions of the world we produce a French-language edition of our flagship law review the Interights Bulletin (see p37). The French language edition features a compilation of articles and international law cases from English versions, as well as specially commissioned articles focusing on civil law and legal issues in Francophone jurisdictions. Issue 2 of the French Bulletin was published during this year and features articles by leading practitioners on topics such as the right to education and the protection of citizens rights. The French Bulletin remains in consistently high demand, with copies distributed to lawyers, judges, NGOs and law schools around Francophone Africa and beyond.

CENTRAL AND EASTERN EUROPE AND FORMER SOVIET UNION

Interights Central and Eastern Europe and former Soviet Union (CEE/fSU) programme focuses on activities likely to have a substantial long-term impact in the region, such as supporting litigation, providing legal training and access to legal materials. Specific projects focus on one precisely defined issue such as discrimination or a particular method e.g. a comprehensive training scheme for lawyers, applied in a number of jurisdictions. This approach, when combined with work in individual countries with local partners, builds capacity of lawyers in the region to use international human rights standards.

Our litigation work in the region informs the content and materials we develop for use in our training programmes. Through our joint work with domestic and international experts in these programmes, we identify new training needs and initiatives and new NGO partnerships; and our training programmes enable lawyers in the region to bring international norms to bear on domestic practices.

ACCESS TO JUSTICE PROJECT

Since the beginning of the 1990s, the potential for individuals to seek justice through the courts has improved greatly. However, for the majority of people, the costs of mounting a criminal defence or enforcing their rights are prohibitive, and many governments have largely failed to provide legal aid in criminal and civil proceedings as required by their international obligations. This has had a disproportionate effect on indigent and ethnic minorities.

Our project on access to justice involved targeting those CEE states applying for European Union membership. The project was guided by a steering committee of representatives from our partners Helsinki Foundation for Human Rights, Poland, the Bulgarian Helsinki Committee, and the Public Interest Law Initiative, Columbia University, New York/Budapest. Through two pilot projects, one in Poland and the second in Bulgaria, the project aims were: to generate evidence about the (non) functioning of post-communist legal aid models; supply policy, regulatory and institutional recommendations for reform which is applicable to all European Union applicant states; provide a forum for coordination and further development of efforts throughout the region; and design, produce and disseminate materials as practical tools for use in providing effective legal aid.

In April 2002, the project held its first access to justice forum in Bulgaria. The event was supported by the Bulgarian Ministry of Justice and the Open Society Foundation, Sofia. Over 150 lawyers, judges, prosecutors, investigators and NGO workers from Bulgaria participated. The Bulgarian Helsinki Committee presented its findings relating to the state of legal aid the result of the first survey to collect reliable data on systems of access to counsel in Bulgaria. The survey results and recommendations, entitled National Report on Access to Justice, has been published in order that future legal practitioners can continue to use this information in their work on the issue.

The second forum was held in Poland in June and coorganised with the Parliamentary Commission on Judiciary and Human Rights. We presented various international legal aid models to encourage discussion on the possible shape of reforms in Poland. There were more than 120 participants at the forum, including representatives of the Polish bar, judiciary, Ministry of Justice, Parliament, NGO and academic sectors, Ombudspersons office and the Prosecutors Association. The Parliamentary Commission and the Ministry of Justice were keen to use the conference materials in their future work on legal aid reform.

The information gathered at these two national initiatives fed into a regional forum to promote frank discussion between government officials and lawyers and activists from the new EU states about access to justice in their regions. The forum was held in Budapest, where state representatives shared their strategies for meeting EU standards on access to justice with NGO lawyers and activists from the region. The success of the event was borne out of the fact that key legal and NGO participants from previous sessions were brought together for the first time with new players in the reform of access to justice such as government officials from justice, police and presidential departments, as well as the European Commission, the United Nations and the Organisation for Security and Cooperation in Europe. The proceedings, in addition to reports on the state of legal aid in nine countries of the region, have since been published.

PROVIDING SUPPORT TO LOCAL NGOS

We gave substantial legal advice and litigation support to NGOs in the region throughout the year. Local NGOs have played a leading role in how the law, and especially the European Convention on Human Rights (ECHR), is used to protect human rights. By providing structured support both to NGOs with specialised legal defence programmes and to individual lawyers taking strategic cases, Interights helps to further promote the use of human rights and comparative law.

The Union of Advocates of Ukraine

Following the training programme we carried out with the Union of Advocates of Ukraine (UAU) over the course of 2001 and 2002, the UAU opened its new ECHR Consultative Bureau consisting of a central office, several provincial offices and a staff of advocates, in April 2002. The Bureau is an innovative project, giving advice to victims of human rights violations in the different regions of the Ukraine with the aim of generating strategic cases to take before the domestic courts and the European Court of Human Rights (ECtHR). Our support extends to developing specialised strategic litigation skills, legal briefs on common human rights issues and ensuring that international human rights standards are used appropriately in order to ensure their maximum impact. Over 20 cases are reviewed by the UAU each week, in order to identify those cases which will bring critical human rights issues before the ECtHR.

The Nizhny Novgorod Committee Against Torture

Working in collaboration with Interights, the Nizhny Novgorod Committee Against Torture in Privolzhski Region, Russia set up a much-needed institution in 2002 the Centre for Assistance to Torture Victims. The Centre aims to reduce and ultimately prevent incidents of torture in the region. It has set up a model operation whose activities include collecting and investigating claims of torture, providing legal, medical and mental health assistance to torture victims and serving as a focal point for the torture prevention efforts of local human rights activists.

The number of claims handled by the Centre has increased over time. Evaluation shows that the increased number of claims is directly related to the implementation of the project the successful legal work of the Centre combined with effective media coverage demonstrated to the general public that it is possible to bring torturers to justice. Our support enabled the Centre staff to develop knowledge on international human rights systems that could prevent torture, how to correctly process victims complaints, and to identify a strategy for casework. We also assisted in drafting complaints and petitions in particular one before the UN Special Rapporteur on Torture on behalf of three minors who were ill-treated in the regional pre-trial detention centre.

The Nizhny Novgorod Centre for Assistance to Torture Victims project represents a breakthrough in the region, by offering previously unavailable legal recourse for victims of torture in a part of the world where this assistance is badly needed.

From one of our partners in Russia

The Nizhny Novgorod Committee Against Torture has been in cooperation with Interights since 2001 in a project establishing a centre for the protection of torture victims in Russia. The project provides for different types of activities including educational and analytical work, however the core of the project is legal work on torture and cases of ill-treatment at the domestic and international level.

Interights initial role in the project was to assist us in the preparation of petitions to international bodies. We have also worked on the preparation of cases for submission to the European Court of Human Rights, the European Committee for Prevention of Torture and the UN Special Rapporteur on Torture. The results of such joint activities are not limited to the documents prepared. Our personnel learned a lot from Interights colleagues about international standards in the sphere of torture prevention, about the work practices of international bodies and, especially important, how to plan and organise strategic litigation.

Our joint work with Interights has a serious impact on the capacity of our young and developing NGO. It has a positive effect not only on our ability to conduct legal work for the protection of torture victims, but also our ability to maintain international contacts and implement cooperative projects.

Olga Shepeleva, International Legal Expert, Nizhny Novgorod Committee Against Torture

REFORM OF THE EUROPEAN COURT OF HUMAN RIGHTS

Judicial Appointments to the European Court of Human Rights

In late 2002, we began a project focusing on the way in which judges are appointed to the ECtHR. The effective functioning of the ECtHR is critical to protecting human rights within the Council of Europe, with fair, transparent and accountable judicial appointments procedures fundamental to the credibility of the ECtHR.

In February 2003, we brought together seven eminent jurists from France, Spain, Germany, Russia, Poland and the UK at a meeting chaired by the former President of the German Constitutional Court to analyse the appointments process. Their work was informed by a substantial background paper, synthesising research and interviews of key individuals undertaken by Interights. The report agreed by the jurists highlighted a broad range of concerns about the appointments process and suggested reforms at both the national and international level. Principally, these were that states should be required to establish an independent body to arrive at their list of nominees for appointment to the ECtHR, that the list of nominees submitted by states and the procedure used to recruit them should be better scrutinised by the Council of Europe, and that the body making recommendations to the Parliamentary Assembly following the process at the national level should be independent, and follow a fair and open procedure. We plan to distribute the final report widely throughout Europe and beyond.

TRAINING INITIATIVES

Training is another key part of our strategy in the CEE/ISU region. Our aim is to respond to local practical needs in a structured and sustainable way, and to provide training models that can be easily used by participants in the future. Our workshops combine skills training events with comprehensive analyses of international and national legal standards and judicial practices in human rights law. The CEE/ISU team organised training programmes in seven different countries in 2002/03. These began with two introductory workshops for human rights advocates in Tbilisi, Georgia and Yerevan, Armenia. We focused on a selection of ECHR rights, reviewed related ECtHR case law, examined the compatibility of domestic law and judicial practices with ECHR standards, and developed skills in taking cases to the ECtHR through the use of hypothetical cases.

The team held a six-day summer school in the Ukraine for prior training participants in an effort to consolidate their litigation skills before the ECtHR. Participants re-enacted the main stages of presenting a case before the ECtHR and developed strategies to address the incompatibilities between domestic law and ECHR standards they had previously identified. We also encouraged participants to evaluate our training approaches in order to improve future training courses.

We held a similar training programme for practising lawyers already familiar with the fundamentals of the ECHR and the jurisprudence of the ECtHR. Developed together with our partner the International Protection Centre, Moscow, the programmes unique feature was to focus predominantly on the use of the ECHR in domestic proceedings in Russia. We ensured that the presentations given during these sessions would be available for other lawyers by publishing them in a practitioners handbook. We continue to provide ongoing litigation support to our partner, the International Protection Centre, where needed. We also moderated a pilot workshop in Baku, Azerbaijan in February 2003 on the right to fair trial under the ECHR as a first step to developing a training programme for Azeri lawyers. In Georgia, throughout 2002/03 we held a comprehensive set of five training sessions on litigation before the ECtHR.

Our Regional Advanced Training Programme in Discrimination and Minority Rights organised jointly with our partners the Netherlands Helsinki Committee has so far proved extremely popular with lawyers throughout CEE/ISU. Scheduled as five training sessions over three years beginning in 2002 and held in Soesterberg, the Netherlands, this intensive training programme includes expert presentations on international mechanisms available to protect the rights of minority groups and prevent discrimination, though the second week focuses on litigation before the ECtHR. Over 150 judges and advocates applied for the 20 available places in this years session. Participants learnt how to use international instruments on non-discrimination in their own practice, and were informed on alternative ways to advance clients causes in ways additional to those through the courts. Staff from both the CEE/ISU and Equality Programmes implement these trainings.

We also designed and managed two two-day workshops on the ECHR in Warsaw, Poland in May 2002 and March 2003, for lawyers and NGO leaders from all countries of the ISU, which focused on two hypothetical cases relating to freedom of religion, inviolability of the home and fair trial. Bringing local experts together for discussion encourages greater sharing of information within the region as a whole.

CASEWORK	
Issue	OUR ROLE
Access to Justice	We advised an Ukrainian lawyer in filing an application before the ECtHR concerning the denial of access to court to challenge a decision on invalidity (decisive for the granting of a pension), and challenging the absence of a civil legal aid system in Ukraine. Vlaznev v Ukraine was the first case originated by the work of the UAU ECHR Consultative Bureau (see p12).
	We advised a Georgian applicant on the right to be defended by a lawyer of ones own choice for an application before the ECtHR (Kurashvili v Georgia).
	We provided advice in the cases Harchenko v Ukraine and Gaydyuk & Ors, challenging the refusal to pay back deposits in the Savings Bank of Ukraine and the courts application of regulatory norms in violation of the Constitution and laws of Ukraine and including other elements such as fair trial and access to legal representation.
	We provided advice to the Center for Constitutional Rights, Georgia on relevant case law, in this case concerning denial of access to court for a victim to claim compensation from an alleged perpetrator due to non-prosecution (Chakalova v Georgia).
Arbitrary Detention	We advised local counsel in a case concerning the arbitrary detention of a woman in a psychiatric hospital (Rakevich v Russia), and the lack of judicial review against detention. The ECtHR later found a violation of these rights in its judgment of October 2003.

	We advised an Angolan citizen in a case concerning his detention in an asylum seekers centre in Lithuania (Katunda v Lithuania). The case raised key issues such as the legal basis/arbitrariness of detention; absence of proceedings by which the lawfulness of proceedings could be assessed; the absence of effective domestic remedies; and compatibility of ECHR proceedings with a communication to the UN Working Group on Arbitrary Detention.
Ineffective Investigation, Gender Equality	We submitted a friend of the court brief to the ECtHR challenging allegations of ineffective investigation into and failure to prosecute the rape of a 14-year-old girl in MC v Bulgaria. See also p30.
Torture	We had our request granted by the ECtHR for priority consideration of Mikheev v Russia on account of the rapidly deteriorating health of the applicant (who had been severely tortured with electric shock).
Violations of Four Articles of the ECHR	We advised some Ukrainian lawyers in finalising an application to the ECtHR (Gongadze v Ukraine) on the grounds that Ukraine violated Article 2 of the ECHR (death by agents of the state; non-protection where clear and specific indications existed of a threat to life; deficiencies in investigation), Article 3 (suffering of relatives) and Articles 10 and 13 (denial of remedies on account of the setting up of the court system in Kiev after 28 June 2001 in violation of the law).

PUBLICATIONS

An important part of our programme work is publishing legal materials that will continue to deliver our expertise to those in the region who most need it. Over the year, we completed work on a briefing package, Fair Trial under Article 6 of the European Convention on Human Rights, the first of 11 such planned packages on key human rights issues. The briefing packages are designed to facilitate the instruction of local experts who train on Interights training programmes but also serve as a reference for lawyers wishing to familiarise themselves with the key rights of the ECHR.

The Russian language editions of our flagship publication the Bulletin are another invaluable tool for training events, but have a much wider readership and are distributed throughout the CEE/ISU. Published in conjunction with the Human Rights Institute, Moscow, the Bulletin is a welcome resource in Russian legal circles, with each issue having its own thematic focus. This year we published issues on liberty and security, privacy, and began work on issues on discrimination and property and economic, social and cultural rights.

<p>Presentations over the year</p> <p>In the past year, our staff were called upon to use their experience to give numerous presentations both in the UK and abroad. The varied subjects included:</p> <ul style="list-style-type: none"> n Article 14 and Protocol No. 12 to the European Convention on Human Rights n Communications and State Reporting n Constitutional Reform and the International Criminal Court n Culture, Censorship and other Human Rights Issues in the Commonwealth n Developing Law and Practice on Amnesty Laws n Elections and Human Rights in Africa n The Experience of South Asian Courts Using International Human Rights Norms n Guantanamo Bay n Implementation of the Marcoussis Accord and the International Response to Crisis in the Côte d'Ivoire n The Intersection between Discrimination and Economic, Social and Cultural Rights n Loss of Property and Absence of Local Remedies n Mainstreaming Human Rights through Development Projects n Normative Economic and Social Rights Standards and Mechanisms and the Right to Housing n The Pinochet Precedent? n Prioritising Citizenship and Human Rights Regional Integration in Africa n The Role of NGOs, State and Business in Protecting Human Rights in the Commonwealth n September 11 and International Law n Strategic Litigation n Terrorism and Human Rights post-Sept 11 n Violence against Women <p>Further details on these can be obtained from Interights at: ir@Interights.org</p>
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THE COMMONWEALTH

Interights' Commonwealth Law programme is an interregional programme working across a group of 54 countries sharing a common legal framework. It responds to the increasing recognition that human rights law emanating from one country's courts can be relevant to other jurisdictions. By providing support and resources we enable progressive judgments to have an impact beyond national borders, thereby contributing to the development and interpretation of human rights standards globally.

We achieve this by:

making human rights case law from Commonwealth countries easily available, even to those in the most isolated parts of the world;

responding directly to requests from judges and lawyers for access to decisions of courts in other countries to guide their own arguments and decision-making;

providing legal advice and assistance to lawyers and NGOs, thereby strengthening legal protection and remedies for victims of human rights violations across the region; and

providing training for lawyers on the ground and building capacity of Commonwealth judiciary through judicial colloquia, where they can share their expertise with local partners.

THE COMMONWEALTH HUMAN RIGHTS LAW DIGEST

Interights has developed two complementary initiatives giving access to significant unpublicised and unpublished human rights judgments, with the aim of providing comprehensive coverage across the Commonwealth. The first initiative is the Commonwealth Human Rights Law Digest, a much-needed and well-respected publication that focuses exclusively on the legal protection of human rights in the Commonwealth. Each annual volume includes 150 summaries of recent human rights decisions from across the Commonwealth. The decisions are categorised and cross-referenced by 50 major headings and 200 sub-headings. We distribute the Digest to over 1,200 lawyers, judges and human rights organisations, as well as libraries and government ministries around the globe. An easy-to-use index is also produced and distributed following the final issue in a volume. During the year, two issues were distributed, and production begun on the third.

Since its inception the Digest has featured virtually every Commonwealth jurisdiction. By giving access to judgments from countries that may previously have been overlooked, we hope to encourage human rights activity both within these countries and to a wider audience. We are always looking at ways to improve the range of cases, and during the last year we have included more decisions on economic, social and cultural rights, reflecting our organisations commitment to promoting these rights more effectively (see p35).

The last two issues have included landmark South African decisions on equality for same-sex couples and access to medical treatment for HIV-positive people, as well as cases from Fiji and Malaysia looking at land and property rights of indigenous people. Although the Digest is produced in-house, it would not be possible without the work of up to 40 lawyers from the law firm Allen & Overy who help to summarise the cases on a pro bono basis as part of their ongoing commitment to human rights.

Although many of the copies are distributed free of charge, particularly to those colleagues in the South, we regularly assess how to increase subscriptions. One of the Digests official sponsors is the Human Rights Unit of the Commonwealth Secretariat. Over the course of the year we placed four advertisements in Commonwealth media publications and targeted all Commonwealth law schools encouraging subscriptions.

We continued to raise the profile of the publication through placing a free advertisement in the thrice-yearly Commonwealth Lawyer in return for the supply of 40 case summaries per annum for publication in its Case Notes section.

THE COMMONWEALTH HUMAN RIGHTS CASE LAW DATABASE

Complementary to the Digest, we also provide a free online database. The Commonwealth Human Rights Case Law Database is accessible through our website (www.interights.org) and allows the user to search up to 900 human rights decisions from different countries. The different search fields include country, keywords (e.g. expression) and date. With decisions dating back to 1995, the Database is a useful tool for a worldwide audience of lawyers, academics and activists, providing instant access to comparative human rights law. Many of the summaries from the larger countries have links to the original websites featuring the full text decisions and we plan to begin scanning in the hard copies from smaller jurisdictions in order to provide an even more comprehensive service.

The Database is updated in-house, with edited summaries being published instantaneously. In October 2002, our staff attended the fourth conference on law on the Internet, held in Montreal, Canada to network with other online providers of legal information. We initiated discussions with the World Legal Information Institute (www.worldlii.org) and explored ways in which our sites could be more closely linked. We launched our joint collaboration at the Commonwealth Law Conference in April 2003 enabling users of the Institutes website to search our Database in conjunction with those of many other sources internationally. With its average hit rate of 500,000 visits per day, this collaboration is an excellent way to introduce our resources to many new users and raise our profile in the process.

[We find several aspects of the Digest very relevant to contemporary human rights issues in Nigeria, and are glad for the tremendous boost the book will give to our efforts to enrich the content of human rights law in Nigeria. Thank you very much.](#)

Toyin Badejogbin, Access to Justice, Nigeria

[I receive the Commonwealth Human Rights Law Digest regularly and I have to tell you that it is a real asset in our work here.](#)

Shomona Khanna, Advocate, New Delhi

[We admire what you and your colleagues achieve.](#)

Professor Graham Greenleaf, Austlii and Worldlii, Australia

[I must say I am impressed with your case law database, and Im glad youve brought it to my attention. I also like the simplicity of the site. It looks good and works well? this is a unique source, and should be widely known.](#)

Sarah Carter, University of Kent, UK

[I have been through your database, which I found extremely well-structured. It is I believe, unique in its scope and contents \(including national case law\).](#)

Denis Petit, Legislationonline, ODHR, OSCE

Interights WEBSITE (www.interights.org)

Interights website was initially developed to act as a portal for the Database but it has grown considerably over the year and now better represents the work of all programmes. We enlisted the help of consulting firm Ukko Ltd., who redesigned and restructured the site, and we can now update all the web pages in-house. This year we added pages advertising our various publications, a Latest News page that gives details of ongoing legal work and upcoming training programmes, and a page of web links which act as a gateway to over 40 other case law sites and fosters cross-country communication between those working in human rights.

From a fellow lawyer

In 2002 and 2003, I was involved in litigation in the Zimbabwean courts on various issues concerning electoral laws and citizenship laws. In preparing Heads of Argument for the presentation of these cases in court, I was considerably assisted by Interights which provided me with several relevant authorities from various different jurisdictions. Over many years I have found Interights very useful in providing authorities which I would not otherwise have access to and I consider that they perform a very valuable service.

Bryant Elliot, Human Rights Lawyer at Gill, Godlonton & Gerrans, Zimbabwe

PROGRAMME DEVELOPMENT

As part of our ongoing efforts to expand our work in the Commonwealth and to work more directly with grassroots activists we conducted research on appropriate human rights issues and contacts in regions where human rights jurisprudence is less developed. Over the course of the year we carried out research in both the Caribbean and Pacific to develop our strategic thinking on suitable interventions in the two

regions of the Commonwealth where Interights does not have an existing regional programme. In particular, we built on our contacts with the Fiji Human Rights Commission, the only human rights body in the Pacific, which has indicated the need for training of local lawyers and judges on how to apply international human rights standards, especially in economic, social and cultural rights and equality. The Commission agreed to co-host and fund a joint training session for Fijian judges in international human rights standards in August 2003. In addition to providing the local judiciary with comparative and international human rights resources, this is an excellent opportunity for our staff to assess the potential for working further in the region based on the views of local partners and jurists.

CASEWORK	
ISSUE	OUR ROLE
Arbitrary Application of Powers of Arrest	We provided advice on comparative law on the arbitrary application of powers of arrest without warrant and remand in police custody in Bangladesh .
Civil Liberties	We researched whether Commonwealth legislation has a positive impact on civil liberties for a monthly news column in the Times of India newspaper.
Criminal Defamation	We provided comparative research for cases of criminal defamation in Sri Lanka.
Death Penalty	We advised the Fiji Human Rights Commission on whether the abolition of the death penalty by Parliament unfairly influenced the independence of judges.
Denial of Dual Citizenship	We gave advice on free expression and the legality of denying dual citizenship in Zimbabwe.
Information	We researched law on the right to information in the context of economic, social, and cultural rights for a report to be presented at the Commonwealth Heads of Government Meeting in Abuja in December 2003.
Legal Aid	We provided advice on the right to legal aid for someone facing the death penalty and examined the equality of arms principle in Fiji.
Non-Compliance	We advised a partner in Austria on non-compliance with the UN Human Rights Committees requirements in an extradition case.
Torture	We provided extensive commentary, advice, and additional case law for a judicial torture handbook produced by the Human Rights Centre, Essex University, for the British Foreign and Commonwealth Office.

SOUTH ASIA

In South Asia, there is a complete lack of any regional human rights mechanism, and limited access to international mechanisms to promote rights, and so it is crucial that our focus be on enforcing human rights in domestic courts. Our objectives in the region, which includes **Bangladesh**, India, **Pakistan**, Nepal and Sri Lanka, are:

to foster a productive exchange of information between countries on regional developments in human rights law and practice;

to use our own expertise in comparative law from the region and beyond to improve domestic practice;

to encourage the use of international human rights standards in domestic courts; and

to assist partners in preparing complaints before international bodies where they are available, such as the UN Human Rights Committee and the UN Committee against Torture.

PROJECT ON STRATEGIES TO ADDRESS CRIMES OF HONOUR

The term honour crime indicates a range of forms of violence directed, in the majority of cases, against women, including murder, honour killings, and forced marriage. The incidence of honour killings, the virtual impunity enjoyed by those responsible for such killings, and the pattern of state inaction in such cases has, until recently, not been systematically addressed by either international or regional human rights mechanisms or NGOs. As an international NGO, it is therefore an area where we can make maximum impact. In collaboration with the Centre of Islamic and Middle Eastern Law (CIMEL) at the School of Oriental and African Studies (SOAS), London, we initiated the Project on Strategies to Address Crimes of Honour, that builds on existing local initiatives tackling honour crimes, encouraging activists and lawyers to develop strategies to address the issue at the national, regional and international level. Our central aim is to bring to justice those responsible for honour killings and to challenge a climate of support for the practice in wider communities and among state institutions, and we communicate this through publishing in various media and through broad outreach.

Directory on Initiatives to Address Crimes of Honour

We continued to develop our Directory on Initiatives to Address Crimes of Honour, a list of organisations worldwide addressing this issue. The Directory, which is one of the outputs of the Project on Strategies to Address Crimes of Honour contains over 140 entries and was widely distributed in December 2002. It has already proven invaluable in identifying experts to verify claims of persecution made by women claiming asylum and has also helped to identify researchers to cooperate in related initiatives.

Annotated Bibliography on Crimes of Honour

This online Annotated Bibliography has proven a valuable tool for lawyers and activists researching crimes of honour. It includes materials in English (as well as some in Arabic and Portuguese), drawn from books, articles, and reported judgments concerning honour crimes (www.interights.org/about/Bibliography.pdf). In order to ensure that a wide audience uses the bibliography it is hosted by two other organisations: the International Womens Health Coalition (www.iwhc.org/uploads/honorcrimesbiblio.pdf) and the Human Rights Centre at Minnesota University (www1.umn.edu/humanrts/bibliog./crimesofhonor.html).

These online publications, along with others on this issue, are now available to a potentially unlimited audience following the launch of the Honour Crimes Project website in January 2003 (www.soas.ac.uk/honourcrimes). Hosted by both CIMEL and Interights, the website is regularly updated and provides instant access to many of the resources generated by the project so far. It has already proven very popular with its users.

The site will be of immense use to us?

Kamran Arif, Lawyer, **Pakistan**

The website is very useful for us to refer people with all sorts of inquiries.

Women Against Violence, Israel

I am with a project devoted to women refugees, and we regularly rely on your website in documenting conditions for women in various countries.

Stephen Knight, Center for Gender and Refugee Studies, San Francisco

Outreach

The issue of honour crimes must also be recognised at a community level in order for it to be adequately addressed. During the previous reporting period, the Project commissioned the training film *Love Snatched: Forced Marriage and Multiculturalism*. The film was launched in May 2002, and since then has been shown repeatedly. In March 2003 it was the focus of a presentation and discussion at the first Indian National Consultation on the Right If, Whom and When to Marry. The event, held in Lucknow, India, was coorganised by the Honour Crimes Project and International Womens Rights Action Watch Asia.

During the year, Interights and CIMEL presented the knowledge and information we had gathered at various UK outreach events: we advised the British Foreign and Commonwealth Office on counselling material for potential victims of forced marriage; we drafted a report on honour crimes in Europe for the Council of Europe; and we responded to enquiries on honour crime from the UN Development Programme, Yemen, and the Swedish Interior Ministry.

JUDICIAL COLLOQUIUM SERIES ON ACCESS TO JUSTICE

One of Interights longstanding areas of expertise is organising judicial seminars or colloquia – an opportunity for senior judges from a particular region and often beyond to share their experiences of using international and comparative human rights law in national courts. The South Asian Regional Judicial Colloquium on Access to Justice was held in New Delhi in November 2002 in collaboration with the UN High Commissioner for Human Rights. This was the first of a series of regional colloquia and judicial exchanges to be organised under the South Asia Judicial Colloquium Series on Access to Justice, that is jointly coordinated by the Commonwealth Human Rights Initiative (CHRI) in New Delhi and Interights.

The series was first proposed in 1998 by regional judges participating in an international judicial colloquium held in Bangalore, India. For the Colloquium in New Delhi, international and regional experts were brought together with some 40 judges from five countries in the region to discuss themes relating to access to justice and economic, social, and cultural rights. The impact of this event was considerable following the Colloquium, we were invited by Bombay High Court judges to hold the first sub-national Judicial Exchange in Mumbai, India, in November 2003. We continue to plan more judicial exchanges in the region.

ENCOURAGING USE OF NATIONAL AND INTERNATIONAL MECHANISMS

The international mechanisms available in South Asia are minimal, limited to Nepal and Sri Lankas access to the UN Human Rights Committee (UNHRC) under the First Optional Protocol procedure, and **Bangladesh** and Sri Lankas under the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). We therefore draw on our wider expertise to support local lawyers, NGOs and human rights practitioners in identifying and preparing cases to submit to the UNHRC. We were involved in developing the functions of the UN Special Rapporteur on Violence against Women and assisting the UN Special Rapporteur on Summary and Arbitrary Executions, both crucial points of contact for practitioners in the region when bringing human rights cases.

The need to encourage the use of international mechanisms goes hand in hand with the urgent need to prioritise national concerns such as economic, social and cultural rights. During the period we worked on a Casebook on Economic, Social and Cultural Rights in South Asia with an Indian partner organisation the Centre for the Study of Developing Societies (CSDS) in Delhi. This book is discussed more fully on p36.

We joined forces with the Centre for Equality Rights in Accommodation and ESCR-Net (an online network of organisations working on economic, social and cultural rights) to draft a statement of principles on womens economic, social and cultural rights particularly in connection with a general comment on equality by the UN Committee on Economic, Social and Cultural Rights. The meeting, which took place in Montreal, Canada in December 2002, was an excellent forum for sharing information about the economic, social and cultural rights of women internationally.

TRAINING INITIATIVES

Nepal has the only constitution in the region that permits the direct application of human rights law in national courts. It also allows lawyers access to the complaints mechanisms of the UNHRC. In practice however, national courts have failed to adequately enforce human rights, and lawyers expertise in bringing human rights cases before the UNHRC is limited.

We continued our project on the legal protection of human rights in Nepal that began in 2001 in collaboration with our partner NGO Informal Sector Services Centre (INSEC) in Kathmandu. In September 2002, we held a workshop on litigating human rights in a state of emergency. Held in Dhulikhel, the workshop trained local lawyers in how to bring human rights cases before the UNHRC. The workshop papers will be posted on our website, while INSEC will have them translated into Nepali and published in Nepal.

PUBLICATIONS

We compiled further resources for researchers in the shape of two documents which digested the various international legal provisions and extracts from UN human rights reports on honour killings and forced marriage, and we continued work on the Handbook on Remedies for Forced Marriage. This groundbreaking publication focuses on three South Asian jurisdictions, and includes contributions from **Bangladesh**, India, **Pakistan** and the UK. Produced in collaboration with our partners Ain o Salish Kendra, **Bangladesh**, Shirkat Gah, **Pakistan**, and the Lawyers Collective, India, it will be published in 2004.

From a former intern

I was very fortunate to have undertaken an internship in the South Asia programme of Interights. This internship represented an extremely important point in my intellectual and professional development. It was the first time that I had the opportunity to observe, and participate in, the implementation of human rights law and theory in practice. In my time at Interights I worked on issues ranging from the duty under international law of states to exercise due diligence in the prevention, investigation and prosecution of crimes of violence against women by non-state actors to complaint procedures before UN Special Rapporteurs. As a result of the invaluable exposure to these issues, I gained direction in my future work and studies, subsequently working as a volunteer at an Australian human rights organisation in the area of womens rights and undertaking my Master of Laws at New York University School of Law, focusing on international law and human rights.

Jayne Huckerby, former intern with our South Asia programme

CASEWORK	
ISSUE	OUR ROLE
Admissibility of Extra-Judicial Confessions	We researched case law on the admissibility of extra-judicial confessions, and of evidence of mobile phone and computer records for <i>Guru v India</i> , before the Supreme Court of India.
Attacks on Minorities	We researched international and comparative law relating to the states failure to act on attacks on minorities for a constitutional petition submitted by the Bangladesh NGO Ain o Salish Kendra.
Child Sexual Abuse	We sent comparative case law on child-friendly procedures adopted in cases concerning child sexual abuse to support a pending case before the Delhi High Court.
Custodial Violence	We collaborated with Amnesty International, India to research comparative law for a friend of the court brief before the Supreme Court of India on the prevention of custodial violence, derived from the <i>DK Basu v India</i> judgment.
Definition of Waging War	We researched case law on the definition of waging war for a case before the Supreme Court of India, <i>Gilani v India</i> .

Education	We assisted a Nepalese lawyer on the use of economic, social and cultural rights in a case concerning the rights of children to receive free primary education.
Enforcement of Fundamental Rights as an Indirect Victim	We provided advice for a Sri Lankan lawyer on whether the wife of a person who died in custody could file a petition for enforcement of fundamental rights as an indirect victim.
Fair Trial; Torture; Remedy	We submitted comments before the UNHRC on the states response on admissibility and merits in <i>Singharasa v Sri Lanka</i> .
Indemnifying Armed Forces	We undertook ongoing research and provided advice for lawyers in Bangladesh about a possible challenge to the Indemnity Act 2003 (indemnifying armed forces for all actions taken during a joint drive with civilian administration, in which about 50 people died in custody).
Obtainment of Interim Measures	We provided advice to a Sri Lankan lawyer on the scope for an UNHRC communication, and the obtainment of interim measures, regarding a clients imprisonment for one year following conviction for contempt of court. We then provided advice on a draft application regarding his subsequent ill-treatment in prison.
Violence against Women	We assisted the Nepal NGO Forum for Women, Law and Development with cases and materials on legal measures to address violence against women accused of being witches.
	We provided advice on draft legislation on domestic violence in Sri Lanka.
Partners during 2002/03	
We worked with many different organisations at the local, regional and international level over the year. Some of our partners included:	

EQUALITY

Interights programme dedicated to equality adopts the approach that the developing protection against discrimination should be tackled both across jurisdictions and across grounds of discrimination. Our Equality Programme aims to:

support carefully selected cases which will build on existing law on equality;

provide specialist groups and legal practitioners with case law on equality from both regional and international bodies, and national courts; and

build the capacity for those specialist groups and practitioners to promote equality through law.

Much of our thematic work in equality is achieved through our regional work, and so where relevant, has been reported in the above regional sections.

TRAINING INITIATIVES

One of the features of Interights is that our regional and thematic programmes draw on each others expertise when planning and executing projects, broadening the reach of our training, litigation and publications. Through our training projects on equality, we promote the exchange of ideas and experiences on cases, and the building of working relationships across jurisdictions.

Through initiatives such as the Soesterberg series (outlined above at p15) our CEE/SU and Equality Programmes work together in the training of lawyers and judges on equality standards and mechanisms internationally, with an emphasis on the European Court of Human Rights (ECtHR).

As a part of the Implementing European Anti-Discrimination Law Project with our partners the Migration Policy Group, Belgium, and the European Roma Rights Center, Hungary, we analysed whether the laws and practices of the 15 existing and 10 prospective EU states were compatible with the anti-discrimination standards adopted by the EU. This work fed into the projects transnational training workshops, which provided participants with information on how to tackle race discrimination using the EU Directive. These events give legal and government participants a forum to discuss strategies and approaches to drafting and implementing anti-discrimination laws in their own jurisdictions. The second in the series of five was held in Prague in April 2002, hosting participants from the Czech Republic, Bulgaria, Luxembourg, Spain and the UK. The third workshop in Brussels in November 2002 brought together participants from Belgium, Denmark, Latvia, Hungary, Portugal and Poland.

CASEWORK

When deciding which cases to take on, we are careful to choose those that will make a significant impact on the existing law on equality. In the context of the Implementing Anti-Discrimination Law in Europe Project, we organised a strategic litigation workshop in March 2002 to pinpoint priority issues for strategic race discrimination litigation in Europe.

These are just some of the discrimination issues on which we have provided advice:

ISSUE	OUR ROLE
Disability	We gave advice on the principles of strategic litigation and how they apply to standards on discrimination based on disability to Disability Rights Promotion International (DRPI), Canada. DRPI is keen to initiate litigation with respect to disability discrimination.
Gender Equality	We submitted a friend of the court brief on behalf of Interights in a case concerning gender equality, torture, private life, challenge to legal requirement of proof of physical force and physical resistance to prove rape before the ECtHR (MC v Bulgaria). See also p16.
Minority Rights	Continued to advise Minority Rights Group International on strategic litigation approaches to minority rights cases.
Sexual Orientation	We contributed to a friend of the court brief on a historic case before the US Supreme Court on the rights of privacy and equality for same-sex couples (John Geddes Lawrence & Tyron Garner v State of Texas).
	We contributed to a friend of the court brief on discrimination due to sexual orientation submitted to the Massachusetts Supreme Judicial Court in Goodridge & Ors v Department of Health. The case also concerned equal treatment of same-sex couples, and the availability of civil marriage to individuals marrying someone of the same sex.

WORKING WITH SPECIALIST GROUPS

As part of our ongoing commitment to tackling discrimination, we undertook a mapping exercise of different grounds of discrimination internationally. With the drafting of a UN convention on disability and a dearth of international case law on discrimination regarding disabled people, disability discrimination has been identified as one of the areas in which Interights should advance its work. In February 2003, our staff met with Disability Rights Promotion International (DRPI) of Canada to discuss the human rights challenges of people with disabilities and to offer advice on how to initiate a strategic litigation approach when preparing cases for victims of discrimination. We hope to develop this aspect of our work in the future.

This year, we were asked to advise the European Commission on Racism and Intolerance (ECRI) on standards relating to anti-discrimination law. We attended a Paris meeting in June 2002 to advise on the first draft of its General Policy Recommendation on National Legislation to Combat Racism and Racial Discrimination. At a later meeting in Strasbourg, the ECRI requested our expertise on how to strengthen the existing bonds between the ECRI and other international NGOs.

In broadening the network of those working on discrimination-related issues, we continued to build on our partnerships with NGOs like the European Roma Rights Center, which appointed our Legal Officer for Equality to its Legal Advisory Network to advise on case strategy. Our Legal Director also joined the International Advisory Panel of the Irish Family Planning Association. Our Executive Director joined the Advisory Committee of DRPI.

PUBLISHING

Handbook for Practitioners on International Discrimination Law

Our Handbook for Practitioners on International Discrimination Law, which we have been planning and researching during the past year, will guide human rights lawyers, judges and NGO activists in using international law on discrimination. A powerful tool for any human rights judge or lawyer, the Handbook will feature information on relevant international and regional mechanisms, review the different existing concepts of discrimination law, and consider the approaches to cases across grounds of discrimination. We will publish the Handbook online on our website so that we can update it every six months with the most up-to-date information on legal developments in discrimination.

In addition, work progressed for the issue of the Interights Bulletin on disability. Each issue of the Bulletin focuses on one particular area of human rights (see p37) and the theme of discrimination against people with disabilities is a much neglected area of human rights law. Leading practitioners and academics in the field will contribute articles.

Excerpt from MC v Bulgaria (Case No. 39272/98, 04/12/2003)

The survey of international and national laws and jurisprudence set out above demonstrates that in many jurisdictions, proof of physical force by the accused or of physical resistance by the complainant is no longer required in order to establish the offence of rape. In many instances, legal reforms to this end have been predicated on a recognition that such a requirement would be gender discriminatory and would violate the rights of women and girls to obtain equal protection to law, to physical integrity and to private life. In short, under most of the laws reviewed here, it is unlikely that investigation or prosecution of allegations of rape would not proceed only on the grounds of lack of proof of physical force or of physical resistance by the complainant.

Concluding paragraph no. 33 of Interights friend of the court brief as submitted to the ECtHR

LIBERTY AND SECURITY

RESPONDING TO SEPTEMBER 11

Reflecting the unprecedented importance of the issues posed by the current war on terror, Interights Legal Director began work on a book on the War on Terror and the Framework of International Law to be published by Cambridge University Press, in association with Interights in 2004. The book builds on the positive response received to the short paper published by Interights in the wake of the September 11 attacks. The book distances itself from some of the more politicised critiques that have emerged since then and provides a much-needed analysis of the law, its potential to address effectively the undoubted threat of international terrorism and the consequences of its disregard.

The book focuses on the law of terrorism, human rights law, humanitarian law applicable in armed conflicts, criminal law, the law on the use of force, and the legal responsibility of states and non-state actors in international law. Confusion and obfuscation have characterised the treatment of international law in the war on terror: by implying an intense degree of uncertainty around technical legal rules, the authority of law has been undermined and violations of human rights facilitated. This publication seeks to set out in an accessible fashion the framework of international law applicable to the 9/11 attacks and the responses to it, and to demonstrate that it contains no gaping holes and is not excessively complex but adapts to the sort of security challenge epitomised by 9/11.

The aim of the book is to facilitate informed legal debate, by a broad range of participants, on the numerous specific issues of law that the war on terror have thrown up, and more broadly on the role and relevance of international law in light of the global security threat that besets the start of the 21st century, and in which we all have a stake.

[Feedback on the Paper Responding to September 11](#)

[Congratulations on your paper Responding to September 11. It is first rate.](#)

Aryeh Neier, Executive Director of Open Society Institute, New York

[Thank you very much for sending me this... it is what we need and I shall circulate it to aid workers and others involved in Afghanistan.](#)

Elizabeth Winter, Chair of British Agencies Afghanistan Group

[It is a very useful document which permits discussion of the legal issues in relation to International Law. It sets the record straight as to what is the present state of International Law \(including doctrine and jurisprudence\) on such an issue. The legal discourse will then be more coherent. I am really impressed that such a document was produced so rapidly, which of course is of the essence if it is done to orient further debates.](#)

The Honourable Claire LHeureux-Dubé, Canada

[A superb work - congratulations! We will get it out to people.](#)

Mark Ellis, President of the International Bar Association, UK

[I am thrilled to see this?We have been doing a lot of research, and your report looks like the most comprehensive and complete source we have come across.](#)

Roger Normand, Executive Director of the Center for Economic, Social and Cultural Rights, New York

[As always, I am very impressed by the quality of your legal analysis and the clarity of your exposition. It is an excellent paper indeed and very useful to those of us who are involved with these issues one way or another.](#)

Ambassador Juan Antonio Yáñez-Barnuevo, Spain

CASEWORK

Interights has consistently encouraged the implementation of human rights mechanisms to protect liberty and security of the person, principally through our casework on areas like capital punishment and ill-treatment of prisoners. New challenges have faced us post-September 11, and in the past year, we have responded in our casework to the urgent need to contest certain practices, and so have intervened on cases regarding almost every stage of the detention process.

For example, we submitted an influential brief to the US Court of Appeals on the rights of 11 Kuwaiti nationals detained in Guantanamo Bay under new US anti-terrorism laws. We argued that the terms of their detention be clearly set out, that they be given access to a lawyer and the right to have their cases heard before a court. Another case concerning detention, this time relating to a patient who had been put in prison due to alleged mental health problems, was the focus of our challenge at the European Court of Human Rights (ECtHR) (*R v Rakevich*). The ways in which investigations into criminal charges, especially of rape and/or sexual violence, are carried out demanded attention across many of the regions in which we work. Separate cases were therefore presented before the ECtHR (*MC v Bulgaria*) and the Supreme Court of Sri Lanka (*Kamal Addaracchchi case*). We worked closely with partner organisations to ensure the relevant international and comparative standards were presented.

Prisoners can suffer extreme ill-treatment at the hands of their captors, and sometimes be denied the right to fair trial. In a Caribbean case we presented to the UN Human Rights Committee (UNHRC), it recognised that the client had suffered inhuman punishment and that his rights to a fair trial had been violated (*Booklal v Trinidad and Tobago*), giving him the right to appeal. After the decision was made, we encouraged the state to fulfil the recommendations of the UNHRC. This is an important part of our work as, on occasion, domestic courts completely bypass the recommendations of the international or regional bodies. One such instance was in the case of *Bosch v Botswana*, where a woman was unlawfully executed despite an order from the African Commission on Human and Peoples Rights that the full merits of her case be heard before she was sentenced to death. We presented this case, and worked with other partner organisations to help them bring more cases on the unlawful use of the death penalty.

In June 2002, our staff acted as faculty for an event entitled *Institute for International Judges*, a Boston forum organised by the International Centre for Ethics, Justice and Public Life, Brandeis University, and the UN Under-Secretary-General for Legal Affairs. The theme was *Ethical Dimensions of the New International Jurisprudence and Adjudication*. Participants acted as judges for seven international courts and tribunals including the International Court of Justice, the African Commission on Human and Peoples Rights, and the Inter-American and European Courts of Human Rights, and the event generated a proposal for a formal association of international judges.

During the year we offered advice both on the Organization of American States document *Guidelines on Counter-Terrorism* and the Council of Europe's Draft Protocol to the Convention against Terrorism. The focus of our advice was to ensure that states protect the human rights of the individual through assisting each other, and allowing criminals to be extradited.

FREEDOM OF EXPRESSION

Freedom of expression remains a fragile right in many places, despite the fact that it is guaranteed by national constitutions and international human rights agreements throughout the world. Violations of the right continue to arise in each of Interights regional programmes, and during the year we took on important freedom of expression cases across three continents. In many areas, politicians are among those at risk for speaking out against existing leaders.

In Israel we helped on two different cases concerning politicians: the first was an Arab politician from the Knesset who had his parliamentary immunity taken from him, whom we advised on free expression and its limits in accordance with international human rights law; the second was a politician in Hungary who, after criticising the government, had a civil action brought against him. The case raised the issue of whether parliamentarians should enjoy immunity from punishment for the right to free political speech. As this is a less-developed area of human rights law, presenting the case gave us an opportunity to be involved in some leading jurisprudence fundamental to the rights of individuals as well as the role of politicians in a vibrant democracy.

The world's press, responsible for alerting the public to injustice, can often bear the brunt of this injustice themselves when their freedom of expression is curtailed. We joined forces with the Open Society Institute to petition before the UNHRC for an Angolan journalist who had been convicted for criminal defamation of the Angolan President.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Civil and political rights have historically received more international focus than economic, social and cultural rights. This focus has shifted during the last 20 years however, and such freedoms are, or should now be, given equal protection by the international community. Interights programme work reflects this movement, with economic, social and cultural rights incorporated into the work of our regional programmes. By building staff expertise in this area of law to offer a high standard of advice to partners working on cases involving economic, social and cultural rights, we worked to expand the potential for economic, social and cultural rights to be enforced legally.

[Economic, Social & Cultural Rights in Practice: The Role of Judges in Implementing Economic, Social and Cultural Rights](#)

During the year we worked on the compilation of a book on the role of the judge in implementing economic, social and cultural rights to be published in early 2004. This commitment followed from a paper given by Yash Ghai, Professor of Law at the University of Hong Kong, at the meeting of the Interights International Advisory Council in May 2000, at which he argued for the judiciary to play more of a role in enforcing economic, social and cultural rights. We invited leading experts from five major international legal systems to provide essays debating the issue based on experiences within their respective countries - Canada, India, South Africa, UK and Hungary - with a view to drawing conclusions about how the judiciary can better implement economic, social and cultural rights. The book is a fascinating exchange that will contribute to the widening debate on this pivotal area of human rights law. It features a comprehensive list of relevant decisions on economic, social and cultural rights from around the world and a full bibliography.

[Casebook on Economic, Social and Cultural Rights in South Asia](#)

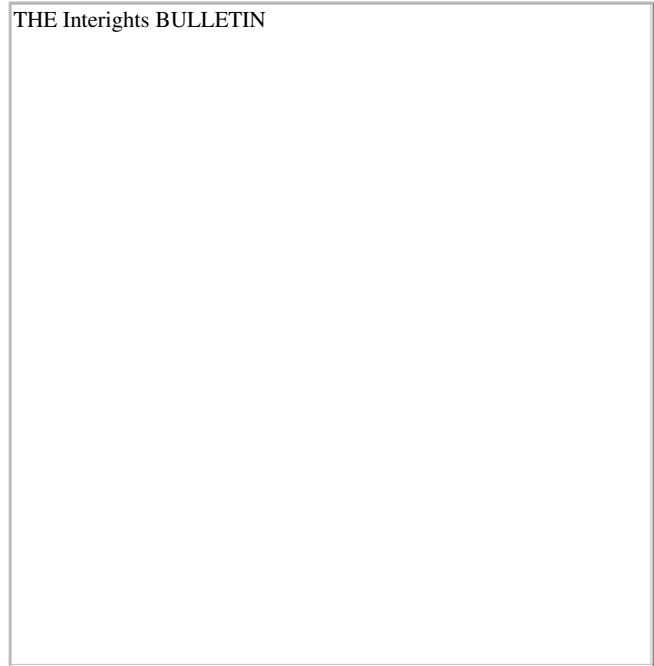
We worked on the compilation of a standard reference book on how to enforce economic, social and cultural rights through law in national courts in South Asia to be published in early 2005. The Casebook

on Economic, Social and Cultural Rights in South Asia will be invaluable for practitioners across the region and beyond. It includes extracts from the most significant judgments on economic, social and cultural rights given by the higher courts in **Bangladesh**, India, **Pakistan**, Nepal and Sri Lanka, along with other relevant materials, including treaties, statutes, extracts of academic articles and commentaries. Emphasis was placed on including materials that reflect the relationships between human rights law and poverty, access to justice and effective litigation strategies, and the rights of vulnerable groups including ethnic minorities, women, children and the disabled. This Casebook will help to foster a dialogue on human rights law within the region, and will build the potential for human rights to be better enforced across the regions courts.

Outreach

In his capacity as a visiting fellow of the Human Rights Centre at the University of Essex, UK, our Commonwealth Law Officer gave two lectures on economic, social and cultural rights standards and the right to housing to human rights law students, and gave a paper on the links between human rights and development to the European Union Human Rights Forum in Copenhagen. His audit of economic, social and cultural rights in the UK was published as a chapter in the Democratic Audits Democracy Under Blair (Politicos, 2002).

Other events promoting economic, social and cultural rights are mentioned more fully under the Africa and South Asia sections of this review. Africa Programme staff began preparatory work for a conference about possible strategies the African Commission on Human and Peoples Rights could adopt to address the economic, social and cultural rights described in its Charter. In South Asia, economic, social and cultural rights were one of the main issues addressed in the Judicial Colloquium held in New Delhi in November 2002.



SUMMARY STATEMENT OF FINANCIAL ACTIVITIES (INCORPORATING INCOME AND EXPENDITURE ACCOUNT) FOR THE YEAR ENDED 31 MARCH 2003

	Unrestricted Funds 2003	Restricted Funds 2002	Total 2003	Total 2002
	£	£	£	£
INCOMING RESOURCES				
Grants and Donations	344,998	835,341	1,180,339	1,035,598
Subscriptions and sales	848	4,006	4,854	7,354
Other income	23,008	-	23,008	15,886
TOTAL INCOME	368,854	839,347	1,208,201	1,058,838

RESOURCES EXPENDED

Costs of generating funds	22,936	37,122	60,058	67,226
Direct Charitable Expenditure				
Regional Advisory and Development				
Programme	- 634,679	634,679	563,121	
Strengthening Human Rights Jurisprudence and Enforcement Mechanisms	21,332	71,888	93,220	96,696
Information Services	17,332	65,967	83,299	94,639
	61,600	809,656	871,256	821,682
Development and Support Services				
Library	817	60,877	1,853	
Advisory Council	156	1,585	1,741	-
Legal Director - support	- 19,850	19,850	10,899	
Project on Judicial Appointments to				

European Court of Human Rights	-	6,532	6,532	-
973	28,027	29,000	12,752	
Management and Administration	161,019	-	161,019	155,040
TOTAL EXPENDITURE	223,592	837,683	1,061,275	989,474
NET INCOMING RESOURCES	145,262	1,664	146,926	69,364

SUMMARY BALANCE SHEET AS AT 31 MARCH 2003

2003 2002
£ £ £ £

NET ASSETS

Tangible Fixed Assets	18,640	12,297
Current Assets		
Debtors	27,248	107,703
Cash at Bank and in Hand	613,199	640,447
377,362	485,065	
Liabilities		
Creditors falling due within one year	(21,789)	(23,547)
Deferred Income	(201,218)	(223,007)
(184,661)	(208,208)	
436,080	289,154	

ACCUMULATED FUNDS

Restricted Funds	212,951	211,287
Unrestricted Funds		
Designated Funds	4,000	4,000
General Funds	219,129	223,129
73,867	77,867	
436,080	289,154	

These summarised accounts have been extracted from the audited accounts for the year ended 31 March 2003 and they may not contain sufficient information to allow a full understanding of the financial affairs of the charity. The full, unqualified, audited accounts are available from Interights on request.

Income for the year showed an overall increase, up from £1,058,838 in 2001/02 to £1,208,201 in 2002/03, with increases of 10% in core funding (£313,892 to £344,998) and 16% (£721,706 to £835,341) in programme and project funding, with much of the latter increase being attributable to increased funding secured by the Africa team for its work in that region.

Overall expenditure showed a smaller increase, up by 7% from £989,474 to £1,061,275.

Overall, income exceeded expenditure for the year by £146,926. The result was an increase of £145,262 in the year-end unrestricted fund balance (up from £77,867 to £223,129) and an increase of £1,664 in the restricted fund balance (up from £211,287 to £212,951).

The directors consider the years financial performance to be satisfactory. However they continue to be mindful of the requirement to maintain sufficient reserves to enable the organisation to continue operating in the event of a downturn in funding income; in this regard the creation of an operating reserve to meet essential core expenditure remains a priority.

Interights relied for its activities during the year on the generous support of the following:

The Alan & Babette Sainsbury Charitable Fund, the Commonwealth Secretariat, the Council of Europe, the European Union, the Ford Foundation, the Foreign and Commonwealth Office, the JG Joffe Charitable Trust, the John D and Catherine T MacArthur Foundation, the Mertz-Gilmore Foundation, the Netherlands Helsinki Committee, the Open Society Institute, the Royal Ministry of Foreign Affairs Norway, the Ruben and Elisabeth Rausing Trust, the School of Oriental and African Studies and the Swedish International Development Cooperation Agency.

This year we were pleased to be joined by our new Executive Director, Leanne MacMillan. Leanne came to us from the International Secretariat of Amnesty International in London where she served as Director of International Strategy. Prior to this post, she served as Amnestys Head of Office/Representative to the UN in New York. With a wealth of experience in advocacy, litigation, and non-profit management in the international human rights field, we were pleased to welcome her in October 2002.

BOARD

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Helena Cook

Consultant, International Human Rights Law

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UN Office of the High Commissioner for Human Rights

Patricia Hyndman (resigned January 2003)

Fellow, Wolfson College, University of Cambridge; Research Fellow, Human Rights Centre, Essex University

Dr Neville Linton

Consultant, Political Affairs; Former Official, Commonwealth Secretariat

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Barrister

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(Poland) Lawyer; Ombudsman in Kosovo

Daniel J Ravindran

(India) Lawyer; Founder, Forum Asia; Deputy Director, Cambodia Office of the UN High Commissioner for Human Rights

Sonia Picado Sotela

(Costa Rica) Advocate; Former Justice, Inter-American Court

Suriya Wickremasinghe

(Sri Lanka) Barrister

Interights STAFF

Leanne MacMillan (joined October 2002)

Executive Director

Helen Duffy

Legal Director

John Musgrave

Finance and Administration Director

Iain Byrne

Commonwealth Law Officer

Romana Cacchioli

Programmes Coordinator for Africa / Free Expression

Andrea Coomber (joined October 2002)

Legal Officer for Equality

Beth Fernandez

Programme Assistant for CEE/fSU / Equality

Kate Green (resigned March 2003)

Information/Programme Assistant for Commonwealth / Executive Director

Sara Hossain

Legal Officer for South Asia

Alison Jones (joined September 2002)

Administration Manager

Ibrahima Kane

Legal Officer for Africa

Mariann Meier-Wang (resigned July 2002)

Legal Officer for Free Expression

Chidi Anselm Odinkalu (resigned February 2003)

Senior Legal Officer for Africa / Liberty and Security

Borislav Petranov

Senior Legal Officer for CEE/fSU

Cathal Sheerin

Administrator

Moni Shrestha

Programme Assistant for South Asia / Legal Director

Connie Rafferty

Finance Manager

Vesselina Vandova (joined June 2002)

Legal Officer for CEE/fSU

VOLUNTEERS AND INTERNS

Interights could not have provided the support we were able to in our many interventions around the world without the generous contributions made by our volunteers and interns. Volunteers contributions covered the range of our activities from ensuring our library system functioned to conducting detailed research on critical cases. While our volunteers usually work with us for a couple of days a week, interns generally come for limited periods of time, but join us on a full-time basis and are recruited internationally.

Volunteers

Janina Arsenjeva (Estonia)

Alice Atkinson (UK)

Annalise Baldaccini (UK/Italy)

Annua Bhoolai (Trinidad)

Sandra Brunnegger (Germany)

Mercedes Cavaller (Argentina)

Asha Dhillon (Malaysia)

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Susannah Ford (Australia)

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Sanchita Hosali (UK)

- Laure Hntzbuchler (France)
- Kanbar Hosseinbor (India)
- Hannah Irfan (**Pakistan**)
- Tebbi M Khutsoane-Hinton (Botswana)
- Kevin Kitching (Ireland)
- Kemi Labinjo (UK/India)
- Lara Leiser (Belgium)
- Joyce Mutiso (Kenya)
- Reshma Nagpal (India)
- Chi Obang-Oyway (UK)
- Ruth Ormston (UK)
- Sujala Pant (Nepal)
- Rupa Reddy (UK/India)
- Jago Russell (UK)
- Debbie Sayers (UK)
- Deborah Sevitt (UK)
- Maya de Souza (UK)
- Donata Velickiene (UK/Lithuania)
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Aude LeTannou
Catherine Menin
Laura Mimouni
Marie-Noelle Rouspide
Rebecca du Rietz
Suzanne Turner
Helene Vassilev

[Interns](#)

Interns assisted us in completing the research for our many publications, carried out case law research and a number of other activities key to ensuring that we have a leading and expert knowledge. Their affiliation with Interights continued after they returned home and we hope that our internship programme contributes to their development as the next generation of human rights lawyers.

Lisa Bagley (USA)
Andra Nahal Behrouz (USA)
Tamzin Brown (UK)
Kostyantyn Buzadzhy (Ukraine)
Soufian Choutier (Algeria)
Erin Dabbs (USA)
Krystina Drywa (Canada)
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Rudmila Grevzova (Ukraine)
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