

Human Rights Committee and International Justice Project jointly present Training Seminar on Effective Defence and the Use of International Law: Opportunities and Challenges

Sunday 16 Jan 2011 | 8:30 am - 4:45 pm
Bar Council Auditorium (1st Floor)

Exclusively for Members of the Bar and pupils in chambers

This one-day training is intended to offer participants an opportunity to discuss the role of defence lawyers and the challenges they face.

Participants will learn about international law principles relevant to criminal justice and how international law instruments, opinions and decisions are influencing domestic law in some countries.

This is a great opportunity, for Members practising criminal law or Members interested in criminal law, to learn and discuss with world-class experts on opportunities and challenges in the criminal justice system and the penal process.

Admission is Free.
Limited Seats Available!

Itinerary

08:30 am – 08:45 am	Registration
08:45 am – 09:15 am	Introductory Remarks Ragunath Kesavan, <i>President, Malaysian Bar</i>
09:15 am – 09:45 am	Open Discussion on the Topics
09:45 am – 10:15 am	Preliminary Introduction to the International Human Rights Law & Criminal Justice Speakers: Anne James - <i>Executive Director, International Justice Project, UK</i> Joanne Cecil - <i>Barrister, 1 Pump Court, London, UK</i>
10:15 am – 11:00 am	Utilising International Law at Domestic Level and the Challenges to Domestic Reliance on International Human Rights Speakers: Malik Imtiaz Sarwar, <i>Advocate & Solicitor, Messrs Malik Imtiaz Sarwar, Malaysia</i> Edmund Bon Tai Soon, <i>Advocate & Solicitor, Messrs Chooi & Co, Malaysia</i>
11:00 am – 11:15 am	Tea Break
11:15 am – 12:15 pm	Arguing International Law: A Strategic Approach Speaker: Sandra Babcock, <i>Clinical Professor and Clinical Director, Centre for International Human Rights, Northwestern University School of Law, Chicago, USA</i>
12:15 pm – 01:15 pm	Lessons Learned from Other Retentionist Countries Speaker: Robin Maher, <i>Director, American Bar Association Death Penalty Representation Project, Washington DC, USA</i>
01:15 pm – 02:15 pm	Lunch
02:15 pm – 03:45 pm	Discussion and Practical Application
03:45 pm - 04:00 pm	Afternoon Refreshment
04:00 pm – 04:30 pm	Opportunity to Reflect: Conclusion
04:30 pm – 04:45 pm	Closing Remarks

I/ We would like to register for the seminar:

Name : _____

Email : _____

Name : _____

Email : _____

Name : _____

Email : _____

Name of Firm : _____

Address : _____

Telephone : _____ Fax : _____

Date : _____ Signature : _____

There are limited places available and registration is on a first-come, first-served basis. Registration by fax will be considered as confirmed unless otherwise advised one working day before the date of the seminar. For more details please refer to the attachment.

The deadline to register is **10 Jan 2011**. Completed forms are to be forwarded to:

Bar Council
No 15, Leboh Pasar Besar, 50050 Kuala Lumpur
Tel: 03 - 2031 3003
Fax: 03-2034 2825/ 03-2072 5818/ 03-2026 1313

Jointly organised by
Bar Council and International Justice Project



For more details or to register
call Adilah Ariffin at 03-2031 3003 ext 160 or
email adilah@malaysianbar.org.my



THE INTERNATIONAL JUSTICE PROJECT

IJP

EFFECTIVE DEFENSE AND THE USE OF INTERNATIONAL LAW: OPPORTUNITIES AND CHALLENGES

A one-day training seminar, 16 January, 2011

*Presented by the International Justice Project (IJP) & the Bar Council Human Rights
Committee*

Objective

The one-day training seminar is intended to offer an opportunity to discuss the role of a defence lawyer and the challenges they face.

IJP trainings emphasise ‘two-way’ dialogue between participants and speakers. Trainings aim to create the opportunity for participants to reach their own conclusions on the basis of the information available. To this end, maximum opportunity has been scheduled for interaction between participants, and between participants and speakers.

Practicing attorneys will learn about international law principles relevant to criminal justice and how international law instruments, opinion, and decisions are influencing domestic law in some countries. Practising attorneys will also learn about the challenges faced by defenders in other countries and some of the tools they have used to expand and strengthen the role of the defence lawyer.

Method

Discussion will relate to:

- The relevance of international law to certain issues in the criminal justice and penal process;
- The manner in which domestic courts of other countries have become more amenable to discussion of international law; and
- The method by which international law arguments might be developed in domestic courts, including through the use of the common law;
- The challenges to the use of international law in domestic courts;
- The importance of the defence lawyer, the role s/he plays, the need for zealous representation, and how the defence lawyers ensure the criminal system is fair, accurate and reliable;
- The lessons learned from other countries that retain use of the death penalty: successful methods used to overcome their own challenges and mistakes; and
- The creation and use of specific methods and tools to educate members of the judiciary and help defenders become more effective advocates for their clients.

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The training is supported by an IJP resource guide; *Using International Human Rights Law in Domestic Courts: An Introduction*. This is primarily intended to provide an introductory-level practical resource for interested defence attorneys. In particular, the guide will elaborate on the evidence for relevant international human rights norms in customary law.

PROGRAMME

08:30 – 8:45 *Registration and Morning Refreshment*

08:45 – 9:15 INTRODUCTION TO EVENT

MR. RAGUNATH KESAVAN: President of the Malaysian Bar Council

9:15-9:45 INTRODUCTORY EXERCISE

Short introductory exercise offering the opportunity to open discussions on the day's topics. Participants will discuss exercise in small groups for a total of 15 minutes, then will designate a rapporteur to report the results of the group's deliberations.

09:45-10:15 PRELIMINARY INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW & CRIMINAL JUSTICE

Speaker: ANNE JAMES/JOANNE CECIL

- Sources of International Law
- Hard and Soft law
- Treaties, customary international law, *jus cogens*
- International norms and standards

10:15-11:00 UTILISING INTERNATIONAL LAW AT DOMESTIC LEVEL AND THE CHALLENGES TO DOMESTIC RELIANCE ON INTERNATIONAL HUMAN RIGHTS

Speakers: MALIK IMTIAZ SARWAR AND EDMUND BON

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11:00-11:15 *Break and Mid-Morning Refreshment*

11:15 – 12:00 **ARGUING INTERNATIONAL LAW: A STRATEGIC APPROACH**

Speaker: SANDRA BABCOCK

- Using international law in a hostile environment
- Involvement of civil society and amici curiae
- International Community

12:00 - 12:15 Questions and Answers

12:15-1:00 **LESSONS LEARNED FROM OTHER RETENTIONIST COUNTRIES**

Speaker: ROBIN MAHER

- Challenges for defenders in other death penalty countries
- Tools for strengthening the role of defenders and educating the judiciary (Guidelines)
- Causes of mistakes and wrongful convictions reforms used to restore public confidence (China, US)

1:00-1:15 Questions and Answers

1:15 - 2:15 *Buffet Lunch*

2:15 – 3:45 **DISCUSSION AND PRACTICAL APPLICATION:**

Active discussion will be promoted by the use of a case study. This will allow the application of theoretical concepts to be demonstrated.

Afternoon Refreshments Available

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4:00 - 4:30

OPPORTUNITY TO REFLECT: CONCLUSIONS

Were your questions answered?

Do you require further information on particular topics?

Do you feel further trainings in certain areas of interest would be useful?

Where do you see the problems lie?

4:30 – 4:45

CLOSING REMARKS

PRESENTERS

EFFECTIVE DEFENSE AND THE USE OF INTERNATIONAL LAW: OPPORTUNITIES AND CHALLENGES

MS. ANNE JAMES

Anne James is the Executive Director of the International Justice Project (IJP), a human rights advocacy and research organization based in the UK. Ms. James holds a BA in International Politics, a MA in International Relations and a LLM in International and European Law.

Within a personal capacity, Ms. James advises a number of national and international organizations and is a consultant to the European Union on the use of capital punishment and related human rights issues.

Additionally, Ms. James liaises with both military and civilian defense attorneys in Guantanamo Bay cases and has done so since the opening of the base seven years ago. While residing in the US, Ms. James was an adjunct professor at American University's Washington College of Law where she taught a course on the use of capital punishment within the international context.

In 2006, Ms. James was awarded the Order of the British Empire (OBE) for services to human rights overseas.

MR. MALIK IMTIAZ SARWAR

Malik Imtiaz Sarwar is a leading Malaysian human rights lawyer and activist and the current president of the National Human Rights Society (HAKAM). Through HAKAM and a coalition of NGOs, he has been actively involved in efforts to promote the rule of law and constitutionalism. He has over 15 years practice experience and selectively practices in areas of criminal law having recently been involved in an appeal in Federal Court against the mandatory death penalty.

MR. EDMUND BON TAI SOON

Edmund Bon Tai Soon was admitted as an Advocate and Solicitor of the High Court of Malaya in 1998. Edmund obtained a Masters in International Human Rights Law in 2008 from the University of Oxford. He was the Chairperson of the Bar Council's Human Rights Committee from 2007 to 2009 and currently chairs the Bar Council's Constitutional Law Committee.

MS. SANDRA BABCOCK

Sandra Babcock is a Clinical Professor and Clinical Director of the Center for International Human Rights at Northwestern University School of Law. From 1991 to 1995 she was a staff attorney at the Texas Resource Center, where she represented men and women on Texas' death row. From there she moved to Minnesota, where she was a public defender from 1995 to 1999.

She then opened a law office specializing in the application of international law in U.S. death penalty cases, and from 2000-2006, she was Director of the Mexican Capital Legal Assistance Program, a project funded by the Government of Mexico to assist its nationals in capital cases at trial and on appeal.

She was counsel to the Government of Mexico in the case of *Avena and other Mexican Nationals (Mexico v. United States)*, a case brought by Mexico in the International Court of Justice on behalf of 52 Mexican nationals on death row. She currently represents Humberto Leal Garcia, a Mexican national facing execution in Texas.

She received her B.A. in International Relations from Johns Hopkins University in 1986, and her J.D. from Harvard Law School in 1991.

MS. ROBIN MAHER

Robin M. Maher is Director of the American Bar Association Death Penalty Representation Project in Washington, D.C.

Ms. Maher works to improve the quality and availability of legal representation for those charged with or convicted of capital crimes in the United States. Her work includes legal reform efforts with state and national legislators; training of judges and defense lawyers on the fundamentals of effective capital defense; initiating systemic litigation in jurisdictions that fail to provide necessary defense services; and recruiting volunteer lawyers from civil law firms to represent death-sentenced persons without counsel. In 2003 Ms. Maher was responsible for the publication of guidelines for defense counsel and death penalty jurisdictions. *The ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* are now cited by state and federal courts and have been recognized as the national standard of care for the defense function in the US.

Ms. Maher has been a trainer and lecturer on the death penalty throughout the United States, as well as in Canada, France, Ireland, China, Switzerland, and Japan.

She is currently a part-time faculty member at The George Washington University Law School.

MS. JOANNE CECIL

Joanne Cecil is a barrister practising at the Bar of England and Wales. She practices primarily as a human rights and civil liberties specialist. This expertise is incorporated into her work in the areas of criminal justice, prison law, child rights and public law challenges. Ms. Cecil's practise has a strong appellate focus and encompasses all levels of the UK justice system.

In addition to her domestic practise she has extensive experience in pleading and advising on cases before regional and international tribunals including the European Court of Human Rights and Inter-American Court of Human Rights and courts in foreign jurisdictions.

Prior to being called to the Bar, Ms. Cecil worked for the International Justice Project where she was involved in strategic death penalty and Guantanamo Bay litigation.

Ms. Cecil also continues to consult to various NGOs and Governments and provides training internationally on topics as diverse as the rights of women and children, criminal justice, transitional justice, freedom of expression and strategic litigation.