

# Forthcoming Events – Summer 2010

## Summer School

From 28 June – 2 July 2010 the Human Rights Law Centre will run the 2010 Summer School on *Protecting Human Rights through UN Mechanisms*, directed by HRLC Co-Director Prof. Michael O'Flaherty and assisted by Project Officer Daria Davitti (PhD candidate, Nottingham). The focus of the Summer School will be practical and applied, providing participants with an insider's understanding of UN human rights mechanisms.

The Summer School faculty includes:

- Professor Michael O'Flaherty, Co-Director of Human Rights Law Centre, University of Nottingham and Member of the Human Rights Committee
- Dr. Bertrand Ramcharan, former UN Acting High Commissioner for Human Rights
- Professor Sir Nigel Rodley, Chair of the Human Rights Centre, University of Essex; Vice-Chair UN Human Rights Committee; former Special Rapporteur on Torture
- Professor George Ulrich, Rector, Riga Graduate School of Law
- Susan Mathews, Secretary of the Committee on Economic, Social and Cultural Rights, OHCHR
- Marie-Eve Friedrich, Associate Human Rights Officer, Petitions Team, OHCHR
- Bela Kapur, Conflict Adviser with the UK's Stabilisation Unit; formerly with UN DPKO and OHCHR
- Rachel Brett, Human Rights and Refugees Representative, Quaker UN Office, Geneva
- Tanya Ward, Deputy Director, Irish Council for Civil Liberties
- Mervat Rishmawi, Former Legal Adviser for Amnesty International.

## Film Festival

The 2010 Human Rights Film Festival on *Human Rights in the UK* will take place in July 2010 at Broadway Cinema in Nottingham City Centre

**Sunday, 4 July - *Kicking It***  
Speaker: TBC

*Kicking It* chronicles the lives of seven players taking a once in a lifetime opportunity to represent their country at the Cape Town 2006 Homeless World Cup. Najib from war torn Afghanistan; Alex from the slums of Kenya; Damien and Simon from the drug rehab clinics of Dublin, Ireland; Craig from the streets of Charlotte, North Carolina; Jesus from the overflowing public shelters of Madrid, Spain; and Slavan from the shadow culture of the illegal rural immigrants to the big city of St. Petersburg, Russia.

**Friday, 9 July - *Erasing David***  
Speaker: Director David Bond

David Bond lives in one of the most intrusive surveillance states in the world. He decides to find out how much private companies and the government know about him by putting himself under surveillance and attempting to disappear, a decision that changes his life forever. Leaving his pregnant wife and young child behind, he is tracked across the database state on a chilling journey that forces him to contemplate the meaning of privacy and the loss of it.

**Tuesday, 13 July - *Starsuckers (extended version)***  
Speaker: Director Chris Atkins

This lively, lucid documentary about fame, celebrity and the mass media is an entertaining mess that uses epigrammatic chapter headings and graphic tricks to suggest it has a formal argument. It is, in fact, a blunderbuss blasting at a row of different targets. The producers visit the New York Reality TV School, hoax British tabloids into printing ridiculous stories about pop stars that no one bothers to check, interview Max Clifford at his most unbuttoned, speak to parents prepared to let their kids do anything to get on TV and gather evidence from social scientists and media observers. Probably not since *Triumph of the Will* have so many dislikeable, real-life figures been brought together in one film and it all goes to support the old axiom: business tends to corrupt, show business corrupts absolutely.

**Tuesday, 20 July - *Jean Charles (UK premiere)***  
Speaker: Director Henrique Goldman

One from the heart, Jean Charles recounts the sad saga of Jean Charles de Menezes, a young Brazilian immigrant shot dead in 2005 by London police who mistook him for a terrorist. To date, no one has been held responsible for his death.

For screening times please visit Broadway Cinema's website: <http://www.broadway.org.uk/>

## In Brief...



### New Edition of *Cases and Materials on International Law* Published

Prof. David Harris has published the seventh edition of his highly regarded *Cases and Materials on International Law* (Sweet and Maxwell). It contains chapters on international human rights and other key areas of public international law, and is widely used in law schools around the world. This highly popular work draws together in one volume an exhaustive selection of cases, materials and background information on public international law.

The volume supplements cases and materials with expert commentary and analysis, providing a broad and comprehensive treatment of the subject and incorporating all major developments, including particularly the expansion of human rights issues in international law.

"... a must for any student who does not want to spend literally days in a law library trying to find these materials." - Student Law Journal

"It is a comprehensive text. It has all the materials needed to illustrate how the subject works." - Lex Journal

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The University of  
Nottingham

Summer 2010

# Human Rights Law Centre Newsletter



Discussion of The Dublin Statement with the audience in New York. Panelists from left to right: Prof. O'Flaherty, Amb. Anderson, Dr. Salama and Felice Gaer.



Shanthy Dairiam commenting on The Dublin Statement at the United Nations in Geneva.



Prof. O'Flaherty presenting The Dublin Statement at the United Nations in Geneva, with Mr. David in the background.

## The Dublin Statement is Presented at the United Nations in Geneva and New York

*The Dublin Statement on the Process of Strengthening the United Nations Human Rights Treaty Body System* was adopted in November 2009, facilitated by the Human Rights Law Centre (HRLC). During recent months, HRLC has been engaged in an intensive programme of dissemination of The Dublin Statement among key stakeholders.

The Dublin Statement was presented at the Palais des Nations in Geneva on 26 January 2010. The event, organised by HRLC and facilitated by the Government of Ireland, was attended by over 100 representatives of States, committee members, UN and NGO representatives. The panel was introduced by H.E. Ambassador Gerard Corr of Ireland and included statements by Ms. Shanthy Dairiam (former member of CEDAW), Prof. Cees Flinterman (member of CEDAW), Mr. Paulo David (OHCHR Human Rights Treaties Division) and Prof. Michael O'Flaherty. Mr. David stated that "[...] The Dublin Statement offers a stimulating framework for further improvement of the treaty body system and opens the way for more creative and fresh thinking on ways in which treaty bodies could better rationalise, consolidate and focus their work in the future without compromising its quality."

A similar event was held in New York on 18 May 2010, when The Dublin Statement was presented at the Permanent Mission of Ireland to the United Nations to an audience of over 60 representatives of States and NGOs as well as senior UN officials. H.E. Ambassador Anne Anderson introduced the panel comprising Ms. Felice Gaer (member of CAT), Dr. Ibrahim Salama (Director of OHCHR Human Rights Treaties Division) and Prof. O'Flaherty. In his statement, Dr. Salama conveyed the commitment to The Dublin Statement on the part of the UN High Commissioner for Human Rights Ms. Navanethem Pillay and expressed appreciation for HRLC's notable leadership in re-galvanising the debate around reform of the treaty bodies.

Further initiatives for the dissemination of The Dublin Statement included its publication in the *Netherlands Quarterly for Human Rights* (Vol. 28/1, 2010) and a commentary by Prof. O'Flaherty in the *Human Rights Law Review* (Vol. 10/2, 2010).

Prof. O'Flaherty will present The Dublin Statement at a global meeting of national human rights institutions, in Marrakesh, Morocco, on 9 June.

For more details on The Dublin Statement and the process that led to its adoption, please refer to our previous Newsletter (Winter 2010) or visit our website [www.nottingham.ac.uk/law/hrlc](http://www.nottingham.ac.uk/law/hrlc).

## National Implementing Legislation Database Showcased in Kampala (Uganda) at the International Criminal Court (ICC) Review Conference

Dr. Olympia Bekou, Head of the Human Rights Law Centre's International Criminal Justice Unit and Research Assistant Annika Jones (PhD candidate, Nottingham) are attending the Review Conference in Uganda from 31 May - 11 June. During the Review Conference, the National Implementing Legislation Database (NILD), developed by HRLC since 2007, is showcased. NILD features in two events, due to take place on the 3 and 4 June, demonstrating the ICC's Legal Tools to both States and NGOs.

NILD is a fully-searchable relational database, which enables users to efficiently identify relevant provisions of national legislation implementing the Rome Statute of the ICC. The legislation can be searched either by State or by reference to a range of purposely-designed keywords (ca. 800). In addition, NILD contains an overview of each State's approach to implementation of the Rome Statute, as well as paragraph-level analyses of relevant national provisions.

## New Technologies: Your Life? Your Health? Your Privacy? Our Human Rights!

On 20 March 2010 HRLC's 11th Annual Student Human Rights Conference welcomed over 70 participants from across Europe to explore the inter-relation between human rights and new technologies.

Prominent experts delivered keynote addresses on a diverse range of themes. Prof. Thérèse Murphy (University of Nottingham) provided an overview of human rights issues raised by the development of new technologies. Prof. Richard Ashcroft (Queen Mary, University of London) covered questions of bioethics and human rights. Mr. Lee Hibbard (Council of Europe Media and Information Society Division) reflected on the role of human rights in internet governance. Mr. Dave Banisar (Senior Legal Counsel at Article 19) analysed the positive and negative impact of new media on freedom of expression and information.



Questions from the participants during one of the panels of the Student Conference

Ten student panellists from eight European universities presented papers on four themes:

- Big Brother in Europe?**  
The panel explored how the right to privacy is affected by the development and dissemination of surveillance technologies across Europe (Maria Tzanou, European University Institute), how peer-to-peer networks juxtapose the right to property of copyright owners and the right to privacy and data protection of alleged copyright infringers (Orla Lynskey, University of Cambridge), and the impact of DNA databases in criminal investigations on the right to privacy (Maria Murphy, University College Cork).
- Global Justice 2.0**  
The panel investigated challenges faced by human rights defenders when utilising ICT in their work (Tara O'Leary, London School of Economics), and the use of relational databases in mapping open case files of grave human rights violations in Bosnia and Herzegovina (Emilie Hunter, European University Institute).
- Freedom of Expression and the Internet**  
The panel analysed whether the existing rationales for free speech still apply in the context of cyberspace (Angela Daly, European University Institute), restrictions on freedom of expression in Indonesia's new media law (R. Herlambang Perdana Wirataman, University of Leiden), and the role of the internet as a tool to promote the freedom of expression of children (Stefan Kulk, University of Amsterdam).
- Tools to Advance Human Rights**  
The panel examined the role of new technologies in facilitating the process of seeking justice for international core crimes exemplified by the ICC's Legal Tools project (Annika Jones, University of Nottingham), and ICT's contribution to human rights advocacy through the record of standard and codified information as well as citizen journalism (John Lannon, Leeds Metropolitan University).



Prof. Ashcroft delivers keynote address during the Student Conference

HRLC thanks this year's Student Committee members Amy Weatherburn, Ciana-Marie Pegus, Adam Qureshi, Helen McNally and Meredith Schwane for their excellent work and compelling enthusiasm in organising this conference.

## Looking Back on the First Ten Years of the Human Rights Act (HRA)

On 26 February the Human Rights Law Centre, in coordination with the School of Law, hosted the workshop, *Human Rights Act: Its First Ten Years*, as part of the 2009-2010 Sir John C. Smith Trust Fund Annual Visiting Scholar Program. JC Smith Visiting Scholar Prof. David Feldman (University of Cambridge) provided an overview of the impact of the HRA during its first 10 years in force. Dr. Aileen Kavanagh (University of Oxford) and Prof. Matthew Happold (University of Luxembourg) discussed the role of the HRA in relation to counter-terrorism policies. Mr. Murray Hunt, Legal Advisor to the Joint Committee on Human Rights, discussed the extent to which the Committee has succeeded in introducing human rights into the legislative process. The proceedings closed with a presentation by Prof. Paul Roberts (University of Nottingham) on the effect of the HRA on criminal evidence and the relationship between decisions of domestic courts and the European Court of Human Rights.

## US Engagement with the UN Human Rights System

On 16 - 17 February, Prof. Michael O'Flaherty participated in a roundtable discussion on *Strengthening the UN Human Rights System: A Discussion with Human Rights Defenders*, convened in Washington D.C. by the Carter Center and the Brookings Institution's Managing Global Insecurity Initiative. A panel of human rights experts discussed how the United States and other leading member States can help improve the UN Human Rights Council's ability to promote and protect human rights around the world ahead of its five-year review. While welcoming the Obama Administration's decision to re-engage with the UN, participants suggested a number of steps the United States can take to help strengthen the UN human rights system.

## HRLC to Welcome Two Delegations of Judges and Court Officials from Thailand

In June 2010, the Human Rights Law Centre will hold two training courses for judges and court officials from Thailand, pursuant to the University's Memorandum of Understanding with the Office of the Judiciary of Thailand.

The first delegation of 38 judges is taking part in a seminar on *Labour Law: International and UK Standards* on 1 - 17 June. As part of the course, they will visit relevant employment law institutions in London between 14 - 17 June.

The second delegation, comprising 47 court officials from the Office of the Judiciary of Thailand will arrive in Nottingham on 21 June to attend a two week seminar on *International Human Rights Standards, Juvenile and Family Law*.

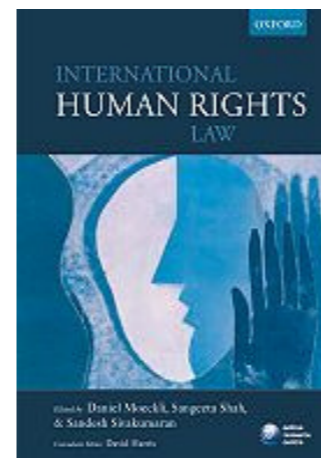
## Prof. Paul Hunt on the Right to Health

Professor Paul Hunt (University of Essex), former UN Special Rapporteur on the Right to the Highest Attainable Standard of Physical and Mental Health, visited the Human Rights Law Centre on 5 March to deliver a lecture to the Chevening fellows on the right to health.

In the first part of his lecture, Prof. Hunt reflected on his work as a UN Special Rapporteur, including his numerous country visits, the writing of thematic reports, his engagement with health professionals and representatives of pharmaceutical companies. He also provided insight into the UN politics associated with an election to Special Rapporteur.

Prof. Hunt devoted the second part of his lecture to health systems and the right to health. Conceptualising the right to health as a right to access an equitable health system is a big step towards understanding the full implications of the right to health as a human right.

Questions from the international group of Chevening fellows exposed the great relevance of the right to health for different contexts and different countries around the world. Questions ranged from the applicability of the right to health to the provision of health services by private actors in India, the need to reduce maternal mortality rates in the Gambia, the absence of an efficient medical transport system in Sudan to the problem of skilled medical personnel leaving Kenya for better paid jobs in the US and EU.



## New Publications by HRLC Members in International Human Rights Law

Centre members Dr. Daniel Moeckli (now at the University of Zurich), Ms. Sangeeta Shah and Mr. Sandesh Sivakumaran have published a textbook entitled *International Human Rights Law* (Oxford University Press), with contributions from a number of experts, including HRLC Co-Directors Prof. Harris and Prof. O'Flaherty, HRLC member Prof. Robert McCorquodale, as well as international contributors such as Prof. Theo van Boven (Maastricht University), Prof. Sir Nigel Rodley (University of Essex), Prof. Asbjørn Eide (University of Oslo) and Prof. Martin Scheinin (European University Institute).

In addition, Prof. Nigel White co-edited a book on *International Law and Dispute Settlement: New Problems and Techniques* with Prof. Duncan French (University of Sheffield) and Dr. Matthew Saul (Durham University). The book was published by Hart in March 2010.

## Visiting Scholar from Turkey Joins the Human Rights Law Centre

Mehmet Ali Zengin, from the Faculty of Law at Selcuk University in Konya, Turkey, joined the Human Rights Law Centre in February 2010 for an eleven month visiting scholarship, funded by his university. Mr. Zengin is undertaking research on bioethics and human rights, exploring the sometimes uneasy relationship between human rights and new biological and medical developments. The first stage of his research will concentrate on investigating biological and medical terminology, concepts and processes, in order to provide definitions for the concepts of 'biological implement' and 'medical attention'. The second phase of his research will explore how biological research and developments affect human rights and how human rights law might (or should) limit biological studies and research, focusing on particular aspects of patent and biotechnology regulation. The final phase of his research will outline current regulations and new proposals for the protection of human rights against medical attention and related legal orders.

## March Session of the UN Human Rights Committee

Prof. Michael O'Flaherty, during the March session of the UN Human Rights Committee in New York, presented a further section of the draft General Comment on Freedom of Expression (Art. 19 ICCPR). Parallel to the Committee session, he met on 10 March with government officials, judges and civil society representatives from the Republic of Kyrgyzstan to discuss the practice and procedures of United Nations human rights treaty bodies.

## HRLC's Dr. Bekou on Academic Visit to Istanbul

Dr. Olympia Bekou, Head of HRLC's International Criminal Justice Unit, currently on research leave from the University of Nottingham School of Law spent six weeks as visiting academic at Istanbul Bilgi University. During this period she delivered a seminar on International Criminal Law (ICL) to undergraduate and postgraduate students and undertook legal research of Turkey's preparedness to join the Rome Statute of the International Criminal Court, given the recent amendment of Turkey's criminal code.

Dr. Bekou held discussions paving the way to future cooperation between the Human Rights Law Centre and Bilgi's Human Rights Centre in ICL related matters, given Turkey has not yet ratified ICC Statute.



Dr. Bekou and Dr. Asuman Aytekin Inceoglu, Assistant Prof. in Criminal Law at Istanbul Bilgi's Law Faculty

## Reports and Studies on Legal Issues, Promotion and Protection of Fundamental Rights in the European Union (FRALEX)

Since 2008, the Human Rights Law Centre has been part of the group of Legal Experts of the EU Fundamental Rights Agency (FRALEX). Through the FRALEX network, HRLC regularly produces legal studies and reports on specific fundamental rights issues in the United Kingdom. These publications include updates on developments in the thematic areas for which the Fundamental Rights Agency (FRA) is responsible, analyses of UK laws and practices according to fundamental rights and principles of EU law. Publications also serve to alert the Agency to key national developments.

The project is part of HRLC's European Human Rights Law Unit and is directed by HRLC Co-Director Prof. David Harris. Over the years it has benefited from the contribution of a vast number of experts who have produced thematic studies (up to four per year), flash reports, and quarterly bulletins to enable FRA to effectively contribute to ongoing EU policy discussions on fundamental rights issues.

Thematic studies have covered a variety of areas within FRA's mandate, including the impact of the EU Race Equality Directive (Mary Coussey, 2009); assessment of data protection measures and relevant institutions (Douwe Korff, 2008); national human rights institutions and organisations (David Harris, Colm O'Connell, 2008); child trafficking (David Harris, Ralph Sandland, Margaret Akullo, 2008); homophobia and discrimination on grounds of sexual orientation (Thérèse Murphy, Jeff Kenner, Toni Johnson, 2008; updated 2010).

On 7 May, HRLC Co-Director Prof. O'Flaherty was a moderator during the presentation in Vienna of FRA reports on data protection authorities, national human rights institutions and the impact of the EU Race Equality Directive.



## Prof. Michael O'Flaherty Continues Engagement for Enhanced Cooperation between Regional and International Human Rights Mechanisms

Following the European consultation of December 2009 in Strasbourg (see Newsletter Winter Edition 2010), HRLC Co-Director Prof. O'Flaherty participated in OHCHR's international workshop on *Enhancing Cooperation between Regional and International Mechanisms for the Promotion and Protection of Human Rights* held in Geneva on 3 - 4 May. Representatives of the existing regional human rights mechanisms in Africa, the Americas and Europe shared the results of the regional consultations and discussed lessons learned and proposals for enhanced cooperation between the international human rights system and their respective mechanisms. Prof. O'Flaherty delivered presentations in the panels on information sharing between systems and enhanced follow up to decision and recommendations.

## More Human Rights Films to Come!

The 3rd Annual Human Rights Law Centre Film Festival will be held at Broadway Cinema – one of the best ten cinemas in the world (Total Film Magazine, 2008) - in Nottingham's city centre this July. Each year we show four provocative films and engage in lively discussion, bringing diverse human rights issues to life. This festival will concentrate on a specific theme - *Human Rights in the UK*. For further details see our Forthcoming Events on page 8.

The Human Rights Film Series is a popular, student-led initiative that screens engaging films on campus every fortnight throughout the academic year.

HRLC thanks Victoria Hunter, Ciana-Marie Pegus, Adam Qureshi and Fiona Law for the dedication and love for film and human rights demonstrated throughout the year. HRLC also wishes to thank Gearóid O'Cuinn for his insight and inspiration in developing this annual project.

## Prof. O'Flaherty Participates in a Panel Discussion at a Freedom of Expression Conference

On 23 April 2010, HRLC Co-Director Prof. Michael O'Flaherty participated in a panel discussion on 'UN-Treaty Based Approaches to Freedom of Expression' during an expert conference on *The United Nations and Freedom of Expression and Information: Critical Perspectives*. The conference took place in Amsterdam and was organised by the Amsterdam Centre for International Law (ACIL) and the Institute for Information Law (IVIR) of the University of Amsterdam Faculty of Law, in collaboration with the Human Rights Centre of the University of Essex.

The conference brought together experts from the UN system, including the Human Rights Committee and other UN treaty bodies, UNESCO, and the Special Rapporteur on Freedom of Expression, as well as experts from ministries, NGOs and academic institutions.

## Prof. William A. Schabas Delivers HRLC Spring Lecture

The 2010 Human Rights Law Centre Annual Spring Lecture was delivered on 2 March by Prof. William A. Schabas (Director of the Irish Centre for Human Rights at the National University of Ireland, Galway) on *Victor's Justice: Politics and International Criminal Prosecution*.

Prof. Schabas reflected on the question whether international criminal prosecutions are still to be considered today as exercises of 'victor's justice'. Ever since Nuremberg and Tokyo, prosecutions by international tribunals have faced the allegation of delivering partial justice, holding the defeated accountable while allowing impunity for the victors. This also applied to both tribunals set up by the United Nations after the conflict in former Yugoslavia and the genocide in Rwanda.

Prof. Schabas noted that Truth and Reconciliation Commissions (TRCs) have not been immune to similar accusations, as he experienced in Sierra Leone. TRCs are mandated to create an impartial historical record of human rights violations in the wake of a conflict, thereby responding to the needs of victims and promoting healing and reconciliation within the community. However, allegations of partiality have been inevitable.

Prof. Schabas observed that the cases selected by the Prosecutor of the International Criminal Court (ICC), with the exception of the indictment against Sudan's President Omar Al-Bashir all relate to rebel leaders rather than government agents. This suggests that political factors and considerations might still play a role in international criminal prosecutions.

Prof. Schabas concluded that it is indeed difficult to create an international criminal tribunal which is not political and this fact needs to be acknowledged in order for the ICC to be successful.



Prof. Schabas and Prof. Harris at HRLC's Annual Spring Lecture

## Progress towards a Mental Health Bill for Lesotho

Since 2008, Prof. Peter Bartlett has been working on a HRLC project that looks at the complexities of mental health reform in environments with limited resources. Lesotho has been used as a case study and, in collaboration with a broad team of experts, Prof. Bartlett helped draft a Mental Health Bill for Lesotho. The draft bill is now being reviewed by the Government to bring it into conformity with national drafting standards and styles.

Over the past months Research Assistant Vanja Hamzic (PhD candidate, Cambridge) has been interviewing stakeholders in Sub-Saharan Africa, to gain understanding of what mental health law reform should address and achieve. This has included consultations with medical professionals, lawyers, government officials, and mental health service-users. The results of this research will be compiled into a guidance document, to be circulated to stakeholders across Sub-Saharan Africa.

## Integrating Human Rights into the Global Financial System

On 10 March 2010 HRLC's Business, Trade and Human Rights Unit hosted a guest lecture on *Exploring Avenues for Integration of Socio-Economic Rights into the Regulatory Architecture of the Financial System* by Dr. Mary Dowell-Jones, Research Fellow at the Institute for Human Rights and Business. Dr. Dowell-Jones explored the relationship between the global financial system and human rights, analysing the impact of the recent financial recession on economic, social and cultural rights. In this context, she stressed the importance of integrating human rights into the regulation of the financial system and the related responsibility States have in protecting citizens' rights.

## Freedom of Expression in Latvia

On 14 April, Prof. O'Flaherty participated in a roundtable on current human rights issues in Latvia organised by the Riga Graduate School of Law. The roundtable analysed latest developments in the European Court of Human Rights related to Latvia and the issue of freedom of expression in the context of Latvia. Prof. O'Flaherty presented recent developments in the UN system related to freedom of expression and key features of the new General Comment on Article 19 of the International Covenant on Civil and Political Rights that is being developed by the UN Human Rights Committee and for which he is rapporteur.



Prof. O'Flaherty speaking on freedom of expression at the Riga Graduate School of Law

## The Dublin Statement, UN Human Rights Reform and the Role of the European Union

HRLC's work on reform of the UN human rights treaty bodies and The Dublin Statement were presented on 26 March, during a meeting of the AHRI-COST Working Group on *Reform of UN Human Rights Mechanisms* by Research Associate Agnes Flues. The meeting was hosted by Prof. Jan Wouters at the Centre for Global Governance Studies, Katholieke Universiteit Leuven, Belgium. This was the second meeting of the working group, which continued discussions started during the 10th Annual Conference of the Association of Human Rights Institutes that HRLC hosted last September.



HRLC Co-Director Prof. Harris and Kobie Neita together with Manuela Ferraz, Spring 2010 Short Course participant

## HRLC's International Human Rights Law Short Course

On 19 March, twelve students concluded the three month long adventure of HRLC's International Human Rights Law Short Course. The course, which runs from September – December and January – March, provides exclusive seminars led by international experts, as well as seminars from the programme for the LLM in Human Rights Law. A participant from the January 2010 course, Marlies Rotshuizen, said: "I enjoyed taking this course very much! Not only did I learn a lot from the course and the LLM classes, but I also learned from my fellow students and made valuable contacts. I have new ideas about what I want to do in the future."

The next Short Course will start on 27 September 2010, and the deadline for applications is 1 September 2010. For more information please visit:

<http://www.nottingham.ac.uk/HLRC/ShortCoursesandTraining/ShortCourseandTraining.aspx>.

## Interview with Prof. Surya P. Subedi, Professor of International Law at the University of Leeds and United Nations Special Rapporteur on the Situation of Human Rights in Cambodia

Nottingham, 11 February 2010



Prof. Surya Subedi, UN Special Rapporteur on Human Rights in Cambodia, interviewed during a visit to HRLC on 11 February 2010

**Your predecessor, Mr. Yash Ghai, resigned in September 2008 after a not always easy relationship with the Government of Cambodia. What has your experience been so far?**

Impartiality, objectiveness and independence are the fundamental principles of the work of a Special Rapporteur. I have chosen to adopt a constructive approach in implementing my mandate, trying to establish a dialogue with the national authorities in order to achieve an improvement of the protection of human rights in Cambodia. It is the approach of an international lawyer, building upon the obligations that Cambodia has undertaken when signing international treaties. I do not express political judgements or statements. I only issue recommendations on what Cambodia could do to improve the protection of human rights.

**In previous reports and statements, you expressed concern about the human rights situation in Cambodia, particularly with regard to freedom of expression, the right to peaceful assembly, the independence of the judiciary and land rights. You have recently returned from a two week mission to Cambodia. Have you observed any significant improvements? What areas of concern still need to be addressed?**

During my country mission in January 2010, I had a meeting with the Cambodian Prime Minister, amongst others, and we discussed many substantive issues relating to human rights. Cambodia has a dreadful past and faces many challenges typical of a country in transition. Many changes and reforms are needed. Independence of the judiciary is still weak. With regard to freedom of expression, there are still many restrictions that should not be there.

When it comes to land management and land rights, land evictions still constitute the main issue of concern to human rights, but there has been progress on the ministerial front as well. I have persuaded the Government to adopt comprehensive guidelines on land rights and land evictions. The Human Rights Council has adopted a resolution on the matter and drafting work in Cambodia is now underway. This is a very encouraging development.

Of concern is the still confrontational approach that the Government has towards civil society. In this context, my task as Special Rapporteur is to act as a bridge between them, creating a forum of government and civil society representatives in order to encourage regular dialogue. I have proposed this idea to the Prime Minister and he welcomed it; work on the forum will start in the upcoming months. Another positive development in this area is that the government agreed to broaden consultations before the adoption of new laws that have a direct impact on human rights by sharing drafts with the civil society, in order to ensure a more transparent and participatory process. The Cambodian government has been receptive to this idea and during my last visit I have been assured that, for example, the new law regulating non-governmental organisations (NGOs), will be shared for wider consultation before it will be submitted to the National Assembly. As there are still concerns with regard to restrictions on the activities of NGOs, this wider consultation and involvement of civil society will make it possible to point out deficiencies in the draft law, which can then be corrected.



Angkor Wat Temple in Cambodia

**What do you think are the most interesting and/or challenging aspects of the work of a Special Rapporteur?**

The role of a Special Rapporteur is a positive one, aimed at strengthening the international regime of promotion and protection of human rights. Thanks to the existence of Special Rapporteurs, many marginalised, oppressed and disadvantaged people were able to air their grievances and in many cases potential violations of human rights have been prevented. The appointment of an additional international watchdog can only be a good thing for people living under undemocratic or oppressive regimes worldwide or those in transition which are willing to work with the UN to benefit from the expertise that the UN machinery can provide. The UN human rights machinery should be strengthened and be able to exercise more effective powers in bringing violators to account. The standards and powers of the Human Rights Council should be elevated in order to make it a more professional human rights body.

**Would you accept a second mandate?**

A second mandate will depend on how much progress I will be able to make; if I will be able to maintain a constructive approach with the Government of Cambodia, then I will continue my endeavours for some time to come for the greater good of the people of Cambodia.

(Interview by Agnes Flues)

## Weerane: The Mourning Tree

Interview with HRLC Chevening Fellow Mohamed Barud Ali

Weerane is an acacia tree near Aware town in Ethiopia. It is a special tree, steeped deep in the tradition and folklore of the Issaq clan, one of the main nomadic tribes that live in the northwestern Somaliland region of Somalia. Weerane means 'the mourning tree'. *The Mourning Tree* is also the title of an autobiography and a prison memoir.



Mohamed Barud Ali at the Human Rights Law Centre in May 2010

Mohamed Barud Ali was born under the mourning tree in 1950. In his book he narrates the story of his family and his childhood, giving unique insight into the traditions and culture of the Issaq clan. It also depicts his, at the time, unusual education from primary school in Somalia up to higher education in England. Barud returned to Somalia after obtaining his degree in 1977. By then Siyad Barre had (mis)ruled the country for ten years and would do so for another ten.

Barud was arrested in late 1981 and detained without charges for four months by the National Security Service (NSS). Barud remembers that "[...]in a sense it was a relief when they came to beat and torture me. The physical pain was easier to cope with than the doubts and fears during lonely days and nights". In 1982, together with 28 others, he was charged of high treason and sentenced to life imprisonment following a collective, 10-hour trial, based on forged or impartial evidence.

Barud spent the following eight years in prison, more than six of which was in Labataan Jiraw prison, leaving his cell and solitary confinement for a total of 72 hours. He recalls in great detail the inhumane detention conditions, but also the astonishing coping mechanisms developed by the detainees, including an elaborate 'wall language', bird watching and the WHO game.

Barud was pardoned in 1989, following continued national and international campaigns. After that he lived as a refugee in Djibouti, the US and Germany. He returned to Somaliland in 1993, becoming first a parliamentarian and then Minister for Rehabilitation, Resettlement and Reconstruction.

Ever since his release from prison, Barud has worked for the rehabilitation of Somaliland, first in SORRA, an NGO working with displaced Somalis, and then as founding member and director of Samo Tallis, a human rights education NGO.

From January - March 2010 Barud attended the Chevening Fellowship course on *Implementing Human Rights Conventions* at the Human Rights Law Centre. We took the opportunity for a brief conversation about his book.

**What motivated you to write this book such a long time after having been released from prison?**

When we were released from prison after more than eight years of detention, our friends asked us to put our experience in writing, so that abuses and violations inflicted on us would never happen again. I felt that I had to include also the story of my childhood so that people would understand where I come from and be able to contextualise my experience in prison within the history of Somalia and specifically Somaliland. I was not a writer and this has not been an easy task. I was released from prison and it took over 18 years to write this book. Somaliland is still an oral society, when Somalis feel something and they want to share it, they tell poems. However, there are many large Somali communities outside of Somaliland, many of whom have fled during Siyad Barre's regime. Hopefully, they will read this book and perhaps be encouraged to write their own.

Also in Somaliland there are now readers' clubs in many schools and universities, and I hope that the book will be read there as well.

**How have you been promoting the book, and what are your future plans for it?**

The book was launched on 20 February 2010 to mark and commemorate the student protest that erupted 28 years ago in Hargeisa demanding justice and the release of UFFO (voluntary committees for social welfare) members. It is published and distributed by Ponte Invisible Ed (redsea-online.com).

After the end of the Chevening course at HRLC, I stayed in the UK to promote the book and raise awareness about past and current human rights issues in Somaliland. I have presented the book to Somali and local communities in Cardiff, Surrey and Wales, but also in France and Italy.

**What was your experience as a Chevening fellow at the Human Rights Law Centre?**

The Chevening course has been a very useful programme and a very important experience. I will be happy if I can pass on even half of what I've learned here in Nottingham. Somalia has been in turmoil since the early 1990s. Although the country still faces big problems, people want to learn about human rights. Therefore, when I go back to Somalia in June, I want to share what I have learned here with the people in my country, especially with young people. When people are living in difficult conditions, they need to know about human rights. Also, I want people in my country to understand that human rights are about all humanity, that they are not a product that the West is trying to impose on the rest of the world. I want people to understand that human rights are about respecting and protecting human beings. My organisation, Samo Tallis, is an umbrella organisation of smaller organisations that mainly do human rights education. We hope to convey this message and as much of what I have learned here as possible.

(Interview by Agnes Flues)

