The Fifth Conference of Lawyers in the Asia-Pacific was held in Manila, Philippines on 18th and 19th September 2010. Edre Olalia of the National Union of People’s Lawyers (NUPL) welcomed us to Manila and the Philippines. He read out the names of the countries present and groups of delegates stood one after another to welcome each other. Edre was followed by speakers who railed against impunity in Asia and celebrated what the Filipinos call ‘People’s Lawyer’. People’s lawyers, they told us, derive their mandate from the people; not the Government, law or selfish material desires. The nobility of the sentiment was surpassed only by its utter sincerity.

I was asked to chair one of the workshops, on the ‘Impact and Implications on Civil and Political Rights’. On the panel were lawyers from the Philippines and Sri Lanka who related their experiences in their countries before we opened the discussion to the floor.

Safe though we were from the oppressive Manilan heat, temperatures in the room peaked as delegates from across the world recounted grimly constant reports of State crimes against their people. At one point an irate gentleman from Bangladesh asked me to justify a recently uttered flippant remark delivered by Tony Blair. Discomfited by this unexpected focus, I assured him that others could provide better answers than I and solemnly advised him to look for works by Bingham and Sands.

The following day, Haldane’s Mike Goold chaired a seminar on ‘Assessing National, Regional and International Human Rights Mechanisms’, whose participants agreed that a great goal would be to see a human rights standard common to all of Asia.

In the afternoon Mike and I worked with members of the NUPL and the European Association of Democratic Lawyers in collating the findings of the various workshops and drafting the ‘Manila Declaration’. This concluded that: ‘The notion that human rights are indivisible is not merely an abstract principle. It is impossible to secure some rights without securing all. Those who do not have enough to eat cannot exercise their political rights in a meaningful way. One cannot enjoy legal equality without the means to litigate one’s case.’

An uncomfortable resonance for UK lawyers in the month our Attorney General’s office announces it will examine files relating to the death of David Kelly, leading to suggestions the move could result in a full inquest into the weapons inspector’s death. The move came after a group of prominent legal and medical experts called for a full inquest into the 2003 death of the scientist.

On 13th October 2010 the Haldane Society held its first lecture of the new season with a discussion on the Bloody Sunday Inquiry Report by Lord Saville, Sarah McSherry, Binne Ni Ghraragh, Jane Winter and Jean Hegarty, all leading speakers on the subject, spoke in depth about Lord Saville’s Inquiry into the 1972 massacre.

The second Inquiry into Bloody Sunday, headed by Lord Saville, was the largest and most expensive Inquiry heard to date. The long awaited report was delivered on 15th June 2010 with its findings warmly welcomed by the relatives and campaigners alike. Saville had concluded that none of the killings were justified as those killed were unarmed and therefore the British army could not have been in fear of their lives.

Lord Widgery’s ‘whitewashed’ report from 1972 was finally laid to rest along with its falsities and inconsistencies. Where Widgery had exonerated British soldiers and their shooting of innocent civilians, Saville condemned the soldiers and exonerated the victims who he said were not posing a threat. He concluded amongst other findings that:
  i) the soldiers lost the discipline required in firing and there was a loss of self-control;
  ii) soldiers were not threatened or attacked with nail or petrol bombs; and
  iii) many of the soldiers had put forward, and still continued to do so, false accounts.

However, the speakers outlined...
Justice for Aafia Siddiqui

Dr Aafia Siddiqui is a 38-year-old Pakistani citizen, American-educated neuroscientist, and mother of three children. In March 2003, she and her children left their family’s home in Karachi for the airport. They disappeared, never arriving at the airport. The youngest child, a baby at the time, has never been found.

In July 2008, Aafia and her oldest son, then 12, appeared outside a police station in Ghazni, Afghanistan and were arrested by Afghan police. They were taken to the US detention centre at Bagram. At some point Aafia was shot in the stomach. It was this incident that led to her being charged with and convicted of attempted murder. The American military claim that she had grabbed a gun from a soldier and tried to shoot him. In the chaos, she herself was shot, by an American soldier, using his own weapon.

The US authorities claim that Aafia had spent the intervening five years as an al-Qaeda operative in Afghanistan and that when she was arrested she had explosives and a map on her.

Her supporters believe that she was kidnapped by the Pakistan security forces, handed over to the Americans and then detained with her children at Bagram Air Base for five years. Binyam Mohamed, held at Bagram at that time, has described seeing a female detainee, Pakistani in origin, the same age as Aafia and who had been educated in the United States.

Aafia was flown to the United States after her arrest. She has been imprisoned in solitary confinement every since 2008. By the time of her trial in February 2010, she had severe mental health problems. She made a number of angry and emotional outbursts. Some of what she said was seized on by the American press as anti-Semitic, although they appear to be comments against Israel and the American Government, not against Jews. She was constantly referred to as ‘Lady Al Qaeda’ in the American media.

She was sentenced to an extraordinary 86 years on 23rd September 2010. It seems that she has been sentenced not for the offences of which she was convicted, but for the innuendo surrounding her case.

Aafia’s family and supporters are calling for her release or for her to be transferred to Pakistan so that she can serve her sentence close to her family.

More information from the Justice for Aafia Coalition can be found at www.justiceforaafia.org and from Cageprisoners at www.cageprisoners.com.

Liz Davies

‘closest to truth’

how the report had some flaws and that significant questions remained unanswered. No comments were made about Sir Michael Jackson’s ‘shot list’, army photographs of the guns used by the soldiers on the day were lost by the Ministry of Defence and claims that the guns had been destroyed were not substantiated. The speakers addressed how the cost of the Inquiry was high and that the Government was destroyed were not substantiated. Claims that the guns had been destroyed were not substantiated. There was no justification for the actions of the British Army. There was no justification for the actions of the British Army.

Inquiry, much of the evidence that was lost and/or destroyed would have been more readily available. Those attending the lecture heard that a combination of delay, lies, Government barriers and policies drove the cost of the final Inquiry up and had there been a search for truth in Widgery’s Report, no second report would have been necessary. However victim’s families had stated, ‘Every penny was worth it as the wounded and murdered were exonerated’. There was a particular sense of vindication for those family members who sat in the public gallery during Prime Minister’s Question Time on 15th June 2010 to hear a Conservative Prime Minister say not only that ‘I am deeply sorry’ but that the Bloody Sunday killings were ‘unjustified and unjustifiable’.

The Inquiry was important for it made clear what happened on the 30th January 1972. In a peaceful civil rights march in Derry, British soldiers killed 13 innocent men through gunfire. A 14th man died a few months later. There was no justification for the actions of the British Army.

It seems the campaigning days are now over. The panel realised it would be difficult and almost impossible to get to the whole truth of what happened on 30th January 1972, especially after 30 years. The Saville Report is the closest we have to the truth; however some questions will forever remain unanswered.

Majida Bashir

8: Home Secretary, Theresa May, launches a year-long inquiry into Britain’s extradition arrangements. The inquiry will investigate whether Britain’s treaty with the US is unbalanced and whether the Home Secretary should have greater discretion to intervene.

9: US court rules Binyam Mohamed, held in Guantánamo Bay for four years, cannot sue for his alleged torture in overseas prisons because it would compromise national security. The American Civil Liberties Union brought a case on behalf of five former prisoners who claim they were victims of rendition and torture.

11: Lord Bingham of Cornhill dies. Shami Chakrabarti was among those leading the tributes: ‘Today lawyers and human rights defenders the world over will mourn this great loss. Tom Bingham was the perfect combination of intellect, integrity, humanity and humility.’

14: France’s crackdown on the Roma population is criticised – the European Commission threatens the French Government with legal action, calling the policy disgraceful and likens it to Second World War deportations.

Liz Davies