

### LAWASIA Council Resolutions

DATE OF RESOLUTION	SUBJECT OF RESOLUTION	RESOLUTION
November 5, 2005	<b><i>LAWASIA Statement on Violence against Judges and Lawyers in the Philippines</i></b>	<p>LAWASIA, the Law Association of Asia and the Pacific, notes with great concern the growing incidences of violence towards judges and lawyers in the Philippines whilst in the process of carrying out their duties. We refer specifically to recent reports indicating the brutal killings of three lawyers, Norman Bocar, Eugenia Campol and Victor Padilla, as well as the recent assassination of Judge Estrellita Paas. LAWASIA notes with further concern that these recent occurrences have been preceded by other similarly abhorrent incidences, many of which appear to be directed against lawyers acting in a human rights and public interest capacity.</p> <p>As an association representing the legal profession of 23 nations of Asia and the Pacific and that seeks to promote adherence the rule of law in all its member countries, LAWASIA condemns strongly the violence perpetrated against members of the profession and expresses its alarm that authorities in the Philippines appear not to have put in place effective measures to prevent its recurrence.</p> <p>LAWASIA supports the statement of the President of the Integrated Bar of the Philippines in bringing to the attention of Philippine authorities their obligation under international law to protect the safety of lawyers as they discharge their functions. As an organisation representing the legal profession of all its member countries, LAWASIA has a responsibility to voice its concerns, especially where these are related to the security of judges and lawyers in the course of carrying out their professional duties.</p> <p>LAWASIA notes the following provisions the United Nations Basic Principles of the Role of Lawyers:</p> <ul style="list-style-type: none"> <li>* Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.</li> <li>* Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.</li> <li>* Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.</li> </ul> <p>It calls upon the Philippines' government to undertake with urgency all possible action to comply with these Principles, and further, to ensure that effective investigative processes are implemented that will ensure that those responsible for this violence are brought to justice.</p>
9 October 2005	<b><i>Establishment of a UN Human Rights Council</i></b>	<p>LAWASIA, the Law Association for Asia and the Pacific, notes that over 170 heads of state attended the recent World Summit of the General Assembly 2005 at United Nations headquarters in New York from 14-16 September, 2005. Amongst the items agreed to by the world leaders was reform within the United Nations that would see the establishment of a Human Rights Council. LAWASIA applauds this move that would elevate the status and effectiveness of the current Office of the High Commissioner of Human Rights (OHCHR). As a representative organisation for lawyers of the Asia Pacific region among whose priority aims is to promote the administration of justice, the protection of human rights and the maintenance of the rule of law within the region, LAWASIA recognises that the work of the UN is pivotal in protecting the human rights of all citizens of the world. It calls especially on the leaders of Asia Pacific region to give their full support to the immediate establishment of a Human Rights Council. It particularly calls on governments of the region to give practical and urgent assistance to this important initiative by working cooperatively and quickly to settle detail of the establishment of the Human Rights Council. In making this call, LAWASIA supports the view of its member organisation, the Japan Federation of Bar Associations, that the</p>

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		structure of the proposed Council should ensure appropriate representation from UN member states, allocation of resources that will allow the Council to function with full force and preservation of the consultative rights of NGOs as currently afforded under Article 71 of the United Nations Charter.
9 October 2005	<b><i>Serious Crimes Trials in Timor Leste</i></b>	The LAWASIA Council notes concern emerging from Timor Leste that, since the disbanding of the UN-appointed Serious Crimes Unit and Special Panels for Serious Crimes, the country's legal system is insufficiently equipped to deal with cases of serious crime relating to atrocities committed during the achievement of Timorese independence. LAWASIA notes that this concern has serious implications not only for the delivery of justice to those who suffered as a result of the atrocities but also for the fairness and impartiality that rule of law accords to those who have been charged or face investigation. It endorses calls for the international community, through the United Nations, to provide support and resources for an alternative justice mechanism that can complete the work of the Serious Crimes Unit and Special Panels for Serious Crimes and ensure that all those found guilty face appropriate penalty under the law.
9 October 2005	Trial of Guantanamo Bay Detainee David Hicks	LAWASIA, the Law Association for Asia and the Pacific, notes mounting international concern about the ability of a US Military Commission to provide a fair and impartial trial to Australian Guantanamo Bay detainee, David Hicks. It notes that a military commission is not a properly constituted court and is not subject to the rule of law through US law, Australian law or international law. It has further concern for the lack of compliance with the separation of powers doctrine that a US military commission embodies. It expresses serious doubt that the rules of evidence that will be used to conduct the process will afford a fair hearing, and severe concern that there is no right of appeal from a decision of the commission. Representing the legal profession of 23 nations of Asia and the Pacific, the LAWASIA Council strongly supports the call of its member organisation, the Law Council of Australia, either for the transfer of Mr Hicks' case from the US Military Commission to a properly constituted court or for his immediate return to Australia. LAWASIA also calls for all persons in a similar position to Mr Hicks to be brought before properly constituted courts or to be released forthwith.
May 19, 2005	<b><i>Proposed Fiji Bill Compromises Rule of Law</i></b>	LAWASIA, the Law Association for Asia and the Pacific, notes its extreme concern for the rule of law in Fiji in the light of the proposed Promotion of Reconciliation, Tolerance and Unity Bill which has been put forward for adoption by the Fiji parliament. In particular, LAWASIA questions the Bill's aim to enable amnesty to be granted to those whose actions during the 2000 coup in Fiji have subsequently led to trial and imprisonment under the judicial process. "Whilst efforts to establish unity and reconciliation in the Fiji Islands are essential and very worthy of support, this process must not be allowed to occur at the expense of the rule of law," said Mr GL Sanghi, LAWASIA's president. "The Bill in its current form proposes that those who are in custody should receive priority in amnesty applications. That does nothing to indicate to victims of their actions that the legal system has delivered justice, and is tantamount to interfering with judicial process," he said. This concern echoes that of LAWASIA member organisation, the Fiji Law Society, which also noted "public scepticism that reconciliation is being driven by political purposes." Fiji Law Society president, Mr Graham Leung, suggested that, "for the reconciliation process to be credible and effective, it must be removed from the political process." Mr Sanghi called on the international legal community to support the Fiji Law Society in its efforts to see reconciliation and unity in its country without compromising human rights, the rule of law and faith in the legal system.
February 8, 2005	<b><i>State of Emergency in Nepal</i></b>	LAWASIA, the Law Association for Asia and the Pacific, expresses its deep concern for the civil and legal rights of the people of Nepal following the recent dismissal of the elected government and declaration of a state of emergency by King Gyanendra. LAWASIA supports its member organisation, the Nepal Bar Association, in its call to protect the human rights, political freedom and adherence to the rule of law as guaranteed to Nepali people under the constitution of that country. Recent reports from Nepal indicate that amongst others, the former president of the Nepal Bar Association, Mr Sindhu Nath Pyakurel, has been taken into detention and that members of the Nepal Bar

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		<p>Association's Human Rights Project (which is investigating abuses by authorities) have been asked to report to the authorities. "The recent Royal Proclamation has curtailed severely the constitutional and human rights of the Nepali people and contributes nothing to Nepal's struggle to find peace and stability," said LAWASIA's president, Mr GL Sanghi of India. "This development leaves us in fear for the safety of those in that country who work to protect these rights." "I am also concerned about the reported decline in the rule of law, particularly in respect of delays in the hearing of habeus corpus applications", Mr Sanghi said. "Furthermore", Mr Sanghi added, "the reported detention of members of the legal profession and the press is intolerable, and I call on the authorities to ensure they are released immediately". Mr Sanghi also criticised the shut down of telephone and internet communications, which made it more difficult for the outside world to monitor developments in Nepal. LAWASIA notes the importance of continued international attention to the deteriorating situation in Nepal and joins other voices in calling for the immediate restoration of multi-party democratic institutions under a constitutional monarchy in Nepal.</p>
January 6, 2005	<b><i>Asian Tsunami</i></b>	<p>The president of LAWASIA has expressed his concern about the tsunami tragedy in the Asian region, and has articulated his deep condolences to the relatives and friends of all victims.</p> <p>LAWASIA is the Law Association for Asia and the Pacific, an organisation that represents the peak legal bodies of (23) countries of the Asia Pacific region.</p> <p>Many of the organisation's members are drawn from the countries affected by the disaster, particularly India, Sri Lanka, Thailand, Indonesia, Bangladesh and Malaysia.</p> <p>The president, Mr G L Sanghi of India, said that the tragedy placed many of the world's daily conflicts - including those in which lawyers play an integral role - into context.</p> <p>'The enormity of this disaster transcends many of the daily issues that confront us in professional life. It makes us realise that many of the issues with which we deal are relatively trivial by comparison to the real experiences and real suffering of the wider population,' Mr Sanghi said.</p> <p>Mr Sanghi praised the response of the international community in providing assistance - financial and otherwise - to the affected countries, and called on lawyers of the region to maintain this generosity of spirit.</p> <p>'Lawyers enjoy a privileged place in society. Some lawyers in particular, enjoy good incomes commensurate with this status. I call on all our members - and all lawyers with an interest in the region - to donate generously to an appropriate charity', said Mr Sanghi.</p> <p>Mr Sanghi said that LAWASIA had decided not to set up its own specific tsunami disaster fund, simply because of the number of creditable charitable funds that had already been established. LAWASIA would, however, consider an appropriate donation from its own funds at its next meeting."</p>
October 9, 2004 Kuala Lumpur,	<b><i>Human Rights abuses in Nepal</i></b>	<p>LAWASIA expresses concern about the deterioration of the rule of law and the protection of human rights in Nepal. LAWASIA urges the government to take all appropriate steps and conduct necessary dialogue in order to restore and maintain the rule of law and to</p>

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Malaysia		adequately protect human rights in the country.
October 9, 2004 Kuala Lumpur, Malaysia	<b>Hostages</b>	<p>LAWASIA expresses concern about the growing instances of innocent persons being take hostage and in come cases, being murdered by terrorists and other political activists.</p> <p>LAWASIA notes in particular the recent examples of direct concern to its member organisations – the murder of twelve Nepali hostages in Iraq in August 2004, and the massacre of adults and children in Beslan, Russia, in September 2004.</p> <p>Regardless of the merit or otherwise of any cause, LAWASIA can not condone the taking of hostages for political purposes under any circumstances. It strongly condemns such acts and expects every effort will be made to bring those responsible to justice.</p>
October 9, 2004 Kuala Lumpur, Malaysia	<b>Indonesian Human Rights Tribunal</b>	<p>LAWASIA expresses its concerns in relation to the conduct of various human rights activities in Indonesia during 2004 and the apparent reluctance of authorities to rigorously pursue justice in relation to alleged human rights abuses.</p> <p>LAWASIA calls upon the government to take appropriate steps to ensure that the rule of law and basic human rights are thoroughly investigated and appropriately addressed.</p>
February 10, 2004	<b>Abduction &amp; detention of Nepali Lawyers</b>	<p>LAWASIA, the Law Association for Asia and the Pacific, has learnt of the recent arbitrary arrest and detention of three lawyers by members of the security forces in Nepal.</p> <p>Mr Basudev Sigdel, and Mr Gopi Bahadur Bhandari, both lawyers from Kathmandu, were arrested and have been detained in unknown locations. Efforts to seek information on their well being and whereabouts have not been successful. It is believed that both were taken by men in civilian dress, claiming to be members of Nepal's security forces.</p> <p>Government agencies formally deny any knowledge of the status of these two persons</p> <p>In addition, Mr Krishna Silwal, an advocate and officer at the Legal Section of the Central Bank was arrested by security forces, and it is believed that he is being detained by the Royal Nepal Army in Bhairav Nath Gan.</p> <p>In addition to expressing the deepest concern of the international legal community for the safety of these lawyers, LAWASIA calls upon the government of Nepal to take immediate action to effect their urgent release.</p> <p>Further, as a representative of the international legal profession, LAWASIA strongly condemns the recent spate of arbitrary arrests, detention, enforced disappearance, harassment and intimidation of Nepalese lawyers whilst carrying out their duties. It calls on the government of Nepal to take all necessary steps to put an end to such activity as a matter of urgency.</p>
September 1, 2003 Tokyo, Japan	<b>Bombing of UN HQ, Iraq</b>	<p>LAWASIA condemns the recent bombing of the United Nations headquarters in Baghdad that took the life of the UN representative Mr Sergio Veira de Mello and a number of his colleagues.</p> <p>LAWASIA supports the role of the United Nations in assisting to restore the rule of law in Iraq, and denounces acts of terrorism that may impede this work.</p>
September 1, 2003 Tokyo, Japan	<b>Detainees at Guantanamo Bay</b>	<p>The LAWASIA Council notes:</p> <ul style="list-style-type: none"> <li>(i) The detention of nearly 700 persons from 38 nations at the naval station at Guantanamo Bay Cuba by the United States pursuant to a Military Order issued by President Bush on 12 November 2001.</li> <li>(ii) That the detainees are held as 'enemy combatants', a status created by US Military Order and assessed solely by agencies of the Executive government of the United States.</li> </ul>

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		<p>(iii) That the detainees have been denied access to independent determination of their status either as a prisoner of war pursuant to Article 5 of the Third Geneva Convention or as 'enemy combatants' by a competent US civilian court.</p> <p>(iv) That six detainees have been declared eligible by the US Department of Defence for prosecution by a Military Commission established by the Presidential order of 12 November 2001.</p> <p>(v) That the procedures for trial by Military Commission feature some elements consistent with principles of the rule of law, namely:</p> <ul style="list-style-type: none"> <li>• the presumption of innocence;</li> <li>• a standard of proof of guilt beyond a reasonable doubt; and</li> <li>• the right to cross examine witnesses.</li> </ul> <p>(vi) That other elements of a Military Commission trial procedure are significantly below that which would apply to a criminal trial by a US civilian court, principally:</p> <ul style="list-style-type: none"> <li>- the non application of the rules of evidence;</li> <li>- the lack of any proper separation of roles between prosecution and defence in that the US Department of Defence serves as accuser, jailer, prosecutor, defence lawyer, judge and jury;</li> <li>- the lack of any appeal rights to a court or a body independent of US Executive government; and</li> <li>- the monitoring of communication between an accused and their legal advisers by US defence authorities.</li> </ul> <p>Calls on the government of the United States to:</p> <ol style="list-style-type: none"> <li>1. Allow independent and open assessment of the status of each Guantanamo Bay detainee by competent court or tribunal.</li> <li>2. Put to trial within a reasonable time any person alleged to have committed an offence against the laws of the United States by either Military Court Martial in the case of crimes alleged of military nature, or the civilian courts in all other cases.</li> <li>3. Abandon trial by Military Commission as: <ul style="list-style-type: none"> <li>- the Commissions are discriminatory in that their purported jurisdiction applies only to non US citizens and not US citizens;</li> <li>- the Commission procedures fail to meet standards consistent with the protection of human rights and the principles of the rule of law; and</li> <li>- any conviction will not enjoy credibility in the international community.</li> </ul> </li> </ol>
September 1, 2003 Tokyo, Japan	<b><i>Death of Judge Sok Setha Mony in Cambodia</i></b>	<p>The LAWASIA Council expresses concern and regret over the assassination of Judge Sok Setha Mony in Phnom Penh, Cambodia, on 23 April 2003.</p> <p>The LAWASIA Council reiterates its support for and endorsement of the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA region</p>
October 14, 2002 Bangkok, Thailand	<b><i>Use of Children as Camel Jockeys</i></b>	<p>The LAWASIA Council notes with concern reports of children being forced to ride as camel jockeys in some countries in the Middle East, in particular the United Arab Emirates, and</p> <p>(a) condemns the abduction, trafficking and forced use of children for such activity; and</p>

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October 14, 2002 Bangkok Thailand	<b>Asylum Seekers</b>	<p>urges the concerned governments to continue efforts to implement and enforce more appropriate laws to eradicate this inhuman practice.</p> <p>The LAWASIA Council resolves that treatment of asylum seekers by government should observe the following principles:</p> <ul style="list-style-type: none"> <li>• Every country has the right to determine the number and nature of people who enter it.</li> <li>• Conditions for entry must be explicit and non-arbitrary, and must not be applied in an arbitrary or discriminatory fashion.</li> <li>• Asylum seekers should be treated equally and in accordance with the rule of law and a country's international obligations.</li> <li>• Asylum seekers should not be deprived of the right to be the subject of a <i>habeas corpus</i> application or of the right to legal representation.</li> <li>• Detention in custody immediately upon arrival, for health and security reasons or to establish identity, is justifiable but any detention beyond a short initial period <ul style="list-style-type: none"> <li>• must be for defined and legitimate purposes and for a defined period;</li> <li>• must be subject to judicial review;</li> <li>• must take account of alternative systems for monitoring the whereabouts of asylum seekers other than detention.</li> </ul> </li> <li>• Children must not be detained unless there are reasons in the interests of the child to do so.</li> </ul> <p>Applications for asylum should be processed promptly and fairly.</p>
October 14, 2002 Bangkok, Thailand	<b>Child Prostitution</b>	LAWASIA notes with concern the reports of child prostitution in some countries, including Cambodia, and urges all countries, including Cambodia, to take whatever steps necessary to criminalise and deter this activity.
June 12, 2002	<b>Zimbabwe</b>	<p>LAWASIA is the Law Association of Asia and the Pacific. Its organisational members include the majority of law societies and bar associations of the Asia Pacific region.</p> <p>LAWASIA adds its voice to the strong international condemnation of the recent actions of the Mugabe government in Zimbabwe in the arrest and detention of Sternford Moyo and Wilbert Mapombere, President and Executive Secretary of the Law Society of Zimbabwe, respectively.</p> <p>Mr Moyo and Mr Mapombere were arrested on 3 June over allegations that they possessed subversive documents relating to mass action allegedly planned by the Movement for Democratic Change in support of efforts to bring about a re-run of the recent controversial elections in Zimbabwe. It is understood that no such documents were found in their possession.</p> <p>It is noted that Mr Moyo, in his capacity as President of the Law Society of Zimbabwe, had publicly expressed concern over incidents where judges in Zimbabwe were subject to alleged threats and intimidation, eventually resulting in the resignation of the more independent members of the judiciary.</p> <p>LAWASIA observes that the Law Society of Zimbabwe, under the leadership of Mr Moyo, enjoys an excellent reputation in the region for its independent and non-partisan stand in a politically charged environment. It supports vehemently the right of the Law Society and its officers to defend universally held legal principles without fear of intimidation, according to Article 24 of the UN Basic Principles on the Role of Lawyers.</p> <p>LAWASIA views this attack on legal colleagues in Zimbabwe with the most serious concern, and considers it to be a blatant attempt to</p>

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		<p>prevent members of the legal community from expressing proper condemnation of perceived attempts to interfere with the rule of law and the independence of the judiciary.</p> <p>LAWASIA calls upon the Mugabe government to be active in observing the United Nations Basic Principles on the Role of Lawyers and to refrain immediately from intimidatory behaviour towards Council members and staff of the Law Society of Zimbabwe.</p>
<p>October 4, 2002 Christchurch, New Zealand</p>	<p><b><i>International Tension</i></b></p>	<p>The LAWASIA Council:</p> <p>(a) expresses concern about the reported proliferation of weapons of mass destruction;</p> <p>(b) subject to paragraph (c), supports international initiatives to prevent the use of weapons of mass destruction;</p> <p>(c) cautions against any military initiative designed to counteract alleged threats of proliferation of weapons of mass destruction except in accordance with recognised international law; and</p> <p>(d) encourages initiatives through appropriate United Nations bodies to improve dialogue and understanding between competing philosophies as a means of containing international tension and in particular military action or the threat of military action</p>
<p>October 4, 2001 Christchurch, New Zealand</p>	<p><b><i>Independence of the Legal Profession</i></b></p>	<p>The LAWASIA Council strongly believes that counsel must be entitled to speak without fear or favour when representing their clients in court proceedings.</p> <p>In particular, the Council strongly believes that practitioners should be free from the threat of outside interference or intimidation relating to statements made in the course of court proceedings</p>
<p>October 4, 2001 Christchurch, New Zealand</p>	<p><b><i>September 11, 2001 – attacks on World Trade Centre, New York</i></b></p>	<p>“The LAWASIA Council</p> <p>(a) condemns the terrorist attacks which occurred in the United States of America on 11 September 2001;</p> <p>(b) subject to paragraph (c) below, supports initiatives to minimise the likelihood of future terrorist activities by those responsible;</p> <p>(c) cautions against any military response in relation to the events of 11 September 2001 except in accordance with recognised international law;</p> <p>(d) encourages initiatives to improve dialogue and understanding between competing philosophies as a means of diminishing the likelihood of similar acts of terrorism in the longer term; and</p> <p>calls on all nations to apply recognised international law and the due process of law as the proper legal means to deal with suspected terrorists, and to develop law to control terrorism as a matter of great strategic concern so that no country or territory is a sanctuary for terrorists.”</p>
<p>MAY 2001</p>	<p><b><i>Legal Issues in Fiji following Speight Coup</i></b></p>	<p>LAWASIA, the Law Association for Asia and the Pacific, has been made aware of a serious breach in relations between its member organisation, the Fiji Law Society, and members of the judiciary, following constitutional upheaval in that country.</p> <p>The Council of the Fiji Law Society (FLS), in April 2001, wrote to the Chief Justice of Fiji, the Hon. Sir Timoci Tuivaga, calling upon him to resign his position. The Chief Justice has declined to do so but as a result of the call has advised that the members of the Fiji Law Society Council who signed the letter will now be refused audience in his court. Two members of the Council chose not to sign the letter.</p> <p>Fellow judge, the Hon Justice Michael Scott, has supported the Chief Justice in his action and has also refused to hear Fiji Law Society Council members in his court.</p>

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		<p>Following advice of this situation, the LAWASIA President, Attorney Mervyn Encanto of the Philippines, released a statement, in which he offers the use of LAWASIA's good offices to mediate a settlement of the matter. Mr Encanto said:</p> <p>"LAWASIA notes with concern the apparent breakdown of relations between the Law Society Council in Fiji and the Chief Justice of Fiji, Sir Timoci Tuivaga.</p> <p>LAWASIA hopes that the controversy will not deteriorate any further; nor will it result in the erosion of people's faith in the judicial system.</p> <p>LAWASIA is confident that there are adequate processes under the constitution and laws which may be resorted to in order to resolve the crisis; nevertheless, if the parties so desire, LAWASIA offers its good offices to assist the parties in resolving their unfortunate dispute."</p> <p>The Fiji Law Society's call to the Chief Justice to resign stems from the Society's concern that the judiciary may have acted in an unconstitutional manner when assisting the military to draft the 'Administration of Justice Decree' during the hostage crisis in May 2000.</p> <p>The FLS claims that the decree was unconstitutional and inconsistent with the recognition of the 1997 Constitution as the supreme law.</p> <p>The FLS wrote to the Chief Justice on 9 June 2000, expressing their concern. Following this, Justice Michael Scott refused audience in a chamber matter to Mr Ramesh Prakash, then a Council member of the FLS. The FLS alleges that this response was directly related to the letter of 9 June 2000.</p> <p>Justice Gates, of the High Court of Fiji, on 15 November 2000 upheld the legality of the 1997 Constitution of the Republic of the Islands of Fiji.</p> <p>The decision was appealed to the Fiji Court of Appeal. For consideration of this important matter, the Fiji Court of Appeal was constituted of five visiting judges, Sir Maurice Casey and Sir Ian Barker from New Zealand, Sir Mari Kapi from Papua New Guinea, Justice Kenneth Handley from Australia and Chief Justice Gordon Ward from Tonga.</p> <p>On March 1, 2001, the Fiji Court of Appeal held that the 1997 Constitution remained the supreme law of the Republic of the Islands of Fiji.</p> <p>On 5 April 2001 the Council of the Fiji Law Society, in a letter from the President, Mr Chen Bung Young called for the resignation of the Chief Justice and "... those judges who associated themselves with you in your unconstitutional action..."</p> <p>The FLS call to the Chief Justice to resign was based on its belief that the Chief Justice had assisted the military "in advising and drafting legislation in an attempt to abrogate the 1997 Constitution" and that he had used his office to "interfere with the due process of law". The latter refers to an attempt by the Chief Justice to transfer Judicial Review No. HB J007, 2000 from the Registry of the High Court at Lautoka to the Suva High Court Registry. In this matter the Chief Justice was named as third respondent and the matter was concerned with the application of the 1997 Constitution.</p>

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		<p>The Chief Justice responded saying that the call to resign was "...misplaced, naïve and made without proper basis". Justice Michael Scott also wrote to the Society asking for the names of the Council members who had called for his resignation. In a further letter to the FLS he noted that "a member of the bar who, for whatever reason, publicly seeks the resignation of a judge will obviously no longer wish to appear before that judge and no judge could be expected with impartiality to grant audience to such counsel. For obvious reasons such withdrawal of audience must be permanent".</p> <p>On 11 April 2001, the Chief Justice also gave notice that he would decline audience in his court to all the council members of the Fiji Law Society who associated themselves with the Society's letter of 5 April 2001.</p> <p>There is wide concern in legal circles that this move compromises the independence of lawyers in Fiji to practice their profession and that it deprives a litigant of the right to engage a lawyer of choice.</p> <p>As a non-political federation of peak legal bodies of the region, LAWASIA is of the view that it is well-placed to mediate a settlement between the parties in support of the rule of law and the administration of justice in Fiji.</p>
November 7, 1998 Tokyo, Japan	<b><i>Trial of Anwar</i></b>	<p>LAWASIA Council, at its meeting held on Saturday 7 November in Tokyo has authorised release of the following statement:</p> <p>LAWASIA has already deputed Mr Carlos Medina, Secretary of the Human Rights Standing Committee as an observer to the ongoing trial of Datuk Seri Anwar Ibrahim now pending in the Malaysian High Court. LAWASIA has received from its organisational member, the Malaysian Bar Council, the resolutions passed at its recent EGM inter alia referring to harassment of some members of the Malaysian Bar.</p> <p>LAWASIA, as a professional and non-political body of lawyers and judges in the Asia-Pacific region is highly concerned with the implementation and maintenance of the judiciary and the legal profession.</p> <p>LAWASIA reiterates the view that independence of the legal profession in any legal process must be maintained in accordance with the principles of the rule of law and the independence of the legal profession as adopted by the United Nations which includes the principles that there may be no arbitrary detention of any persons without fair trial and that members of the legal profession may be able to carry out their duties without hindrance.</p>
August 14, 1995 Beijing, China	<b><i>Martin Lee</i></b>	<p>"LAWASIA Biennial Conferences are open to all lawyers and their accompanying guests whether they are members of LAWASIA or not. From press reports, I understand that Mr Martin Lee is making an application to the Government authorities for an entry visa to enter China. The issuance of such an entry visa is a matter between Mr Martin Lee and the relevant Chinese authority. Neither LAWASIA nor the Chinese Organising Committee are competent to deal with the matter of Mr Martin Lees' entry into China."</p>
August 14, 1995 Beijing China	<b><i>French Nuclear Testing</i></b>	<p>"Mr John Mansfield QC addressed the Meeting on a Resolution submitted by the Law Council of Australia for LAWASIA to consider and it seen fit to resolve to call on France to abandon its proposal to resume nuclear testing in the Pacific which LAWASIA also believes will lead to breaches of France's commitments and obligation under International Law Treaties.</p>

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		After deliberation the Meeting agreed to the terms of a Resolution and the Resolution to be released to the media by the President. Part of the Resolution calls for the President of LAWASIA to write to President Chirac of France condemning France's decision to resume nuclear testing at Mururoa Atoll, and urging France to observe its international obligations contained and reflected in various International Treaties.
July 10, 1988 Kuala Lumpur, Malaysia	<b><i>Dr Frances Seow's Trial – Singapore</i></b>	The Council of LAWASIA expressed its continued regret at the use of the Internal Security legislation in Singapore the purposes for which it was not intended. The Council resolved to send an observer to the hearing of proceedings in respect of Mr Frances Seow former President of the Singapore Law Society.
July 10, 1988 Kuala Lumpur, Malaysia	<b><i>Fiji Resolution</i></b>	The Council of LAWASIA has reviewed the events in Fiji since it last met. The Council noted the passing of oppressive decrees including one allowing detention without trial and exemption of the military forces from the law and harassment of lawyers by the authorities. It has also noted the failure to establish constitutional Government and a proper basis for an independent judiciary. The Council recalled apparently solemn undertakings to abide by the rule of law made by the President, the Prime Minister and Col Rambuka and their failure to adhere to such undertakings. LAWASIA calls on the President and the Prime Minister to exert authority over the military (1) to adhere to promises to maintain the rule of law (2) to revoke emergency decrees which have suspended basic civil rights (3) to cease harassment of lawyers (4) to restore freedom of movement and assembly and freedom of the media (5) to define a path for the return to constitutional Government. LAWASIA has resolved to send an observer mission to establish the detailed situation in Fiji. It also intends to send observers to some future trials.
July 10, 1988 Kuala Lumpur, Malaysia	<b><i>Iran Aircraft Resolution</i></b>	The LAWASIA Council expresses its profound regret at the recent shooting down of a defenceless civilian passenger aircraft of Iran. The continuation of hostilities with loss of life and property is deplored but will never justify the killing of innocent aircraft passengers. The LAWASIA Council calls upon the responsible Government concerned to make full compensation and restitution to the bereaved families of the passengers and crew and to give full support to any proper inquiry into the cause of the tragedy.
July 10, 1988 Kuala Lumpur, Malaysia	<b><i>Bangladesh Resolution</i></b>	The Law Association for Asia and the Pacific (LAWASIA) has among its objects the promotion of the administration of justice within the LAWASIA region. The Council of LAWASIA at its meeting in Kuala Lumpur on July 9 and 10 1988 discussed and considered the principal problems at present affecting the proper functioning of the administration of justice in Bangladesh, a country within the LAWASIA region. The Council notes that the continuing problem in Bangladesh is what is seen by the legal profession there as a fragmentation of the High Court in a unitary Republic with an integrated Supreme Court which derogates from the supremacy of the Constitution and affects the independence of the Judiciary. The Council apprehends that any imposed solution cannot possibly assist in the continued functioning of an efficient system of justice consistent with the rule of law and the independence of the Judiciary. The Council therefore earnestly recommends a speedy resolution of this problem based on a consensus within the Bench and the Bar so that a serious impediment to the effective administration of justice in a part of the LAWASIA region is removed.
July 10, 1988 Kuala Lumpur, Malaysia	<b><i>Malaysian Resolution</i></b>	<p>The Law Association of Asia and the Pacific, as an organisation of lawyers and judges, is committed to the functioning of a sound administration of justice in every country, marked by independence of the judiciary, which enables judges to do justice without fear or favour and to perform their role as guardians of the rights of citizens, and by mutual co-operation, respect and confidence between the Bench and the Bar. The institution of a strong and independent judiciary sustained by a tradition of mutual respect among the principal constitutional organs is a guarantee of freedom and stability in democratic societies.</p> <p>It is given this commitment that the Council of LAWASIA views with great concern the recent course of events involving the highest Court in Malaysia, affecting its Lord President and the majority of the judges of that Court in a manner which is without precedent and impedes</p>

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		<p>its normal functioning. It is particularly because of the great respect in which Malaysia is held as a country with a strong democratic tradition, committed to upholding constitutionalism, the independence of the judiciary and legal profession, that it felt that the present situation calls for a constructive resolution, in a manner consistent with these principles. The aim would be an early restoration of an environment marked by mutual respect and confidence between the Executive and the Judiciary and between members of the Bar and the Bench, conducive to a proper administration of justice.</p>
<p>June 28, 1987 Kuala Lumpur, Malaysia</p>	<p><b>Fiji</b></p>	<p>"The Council records its deepest concern at the overthrow of the constitutionally elected Government of Fiji and the affront to the Rule of Law in Fiji.</p> <p>The Council records its admiration for the courage and determined independence of the Chief Justice Sir Timoci Tuivaga and members of the judiciary of Fiji.</p> <p>The Council notes with great concern reports of harassment of lawyers in Fiji in the carrying out of their professional responsibilities as lawyers.</p> <p>The Council urges the Governor General of Fiji to continue to maintain the independence of the judiciary and the legal profession and to affirm the Rule of Law in Fiji.</p> <p>These resolutions should be conveyed to the Governor General of Fiji urgently.</p> <p>An observer is selected by the President and Secretary-General and the Chairman of the Human Rights Committee to attend any hearings of constitutional importance in the Courts of Fiji and to report on such proceedings.</p> <p>International legal bodies and Bar Associations and Law Societies are requested, if they can do so, also to send observers to any such proceedings."</p>
<p>October 6, 1985 New Delhi, India</p>	<p><b>Arrest of Dato Param Cumaraswamy</b></p>	<p>Having perused the following statement issued on July 23, 1985 on behalf of the Bar Council of Malaysia by its Vice-President Mr Param Cumaraswamy, calling upon the Pardons Board of Malaysia to reconsider its previous decision in the matter of the sentence of death imposed upon Mr Sim, viz:</p> <p style="padding-left: 40px;">"On Records before the Courts, Sim's case certainly was less serious than Mokhtar Hashim's case, yet the latter's sentence was commuted. The people should not be made to feel that in our society today the severity of the law is meant only for the poor, the meek and the unfortunate whereas the rich, the powerful and the influential can somehow seek to avoid the same severity."</p> <p>And taking note of the reaction of the authorities in arresting Mr Param Cumaraswamy on charges of sedition for issuing that statement,</p> <p>The Council of LAWASIA in its meeting in New Delhi held on 5th October, 1985</p> <p><u>HAVE RESOLVED</u> to express their great distress and concern at the arrest of a member of the legal profession on a charge of sedition for calling attention to the alleged unequal application of the laws of Malaysia.</p>

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		<p>The Council of LAWASIA whilst not presuming to comment in any way on a legal proceeding pending in the Malaysian courts, considers it appropriate on this occasion to reiterate its firm belief that lawyers in every part of the LAWASIA region must be left free to comment on matters of grave public concern and interest in their respective countries.</p> <p>The Council of LAWASIA believes that the legal profession plays a very important role in the administration of justice in every country in the Region and, as stated in the Universal Declaration on the Independence of Justice (adopted at the World Conference on the Independence of Justice held at Montreal in June, 1983), the independence of the legal profession constitutes an essential guarantee for the promotion and protection of human rights. One of the main objects of LAWASIA being to promote the administration of justice, the promotion of human rights and the maintenance of the rule of law within the region and one of the Council's major concerns being to uphold and advance the status of the legal profession within the region, the Council of LAWASIA views the arrest for sedition of a lawyer who speaks on behalf of his Bar Council on matters of public concern and importance as a distinct threat to the independence of the legal profession</p> <p>The Council of LAWASIA believes that it is of the utmost importance that the legal profession must not only be independent and fearless in upholding the Rule of Law, but seen to be so, and that any action which would have the tendency to interfere with or deter a free and frank expression of opinion by a lawyer either on his own behalf or on behalf of a Bar Association or Council of which he is an office bearer constitutes a serious interference with the rights and status of the legal profession, which it is the object of LAWASIA to uphold and which LAWASIA will always endeavour to uphold.</p> <ul style="list-style-type: none"> <li>• that this resolution would be sent by LAWASIA Headquarters to the Prime Minister of Malaysia.</li> <li>• that every Bar Association in the region be requested to table the resolution and if approved, to send same to the Malaysian Prime Minister.</li> </ul>
November 11, 1984 Singapore	<b><i>Assassination of Mrs Gandhi</i></b>	"It was unanimously <u>RESOLVED</u> that the Council of LAWASIA condemns the brutal assassination of Mrs Indira Gandhi, the Prime Minister of India, and one of the outstanding figures on the world stage. The Council noted the concern of Mrs Indira Gandhi for the down-trodden, the underprivileged, and the masses of the third world in general and the Asian region in particular. The Council expresses its profound sympathies and condolences to the people of India and to the new Prime Minister of India, Mr Rajiv Gandhi, and other members of the family."
September 8, 1983 Manila, Philippines	<b><i>Plight of Lawyers in Pakistan</i></b>	The LAWASIA Council, having sent an observer to Pakistan and having considered the report of Mr R.D. Nicholson, senior lawyer and former Secretary-General, Law Council of Australia, expresses grave concern at the plight of lawyers in Pakistan and expresses its solidarity with the entire legal profession in that country and calls upon the martial law authorities in Pakistan to see that arrests and harassment of lawyers do not occur and calls upon the authorities to safeguard the freedom of lawyers to express their views and to peacefully assist citizens in the protection of their human rights and in the maintenance of the rule of law.
September 8, 1983 Manila, Philippines	<b><i>Practising of law in Iran</i></b>	The Council of LAWASIA, having been made aware of recent adverse developments regarding the practising of law in Iran in that many lawyers have been disbarred by the Islamic Revolutionary Court because of their alleged political activities hereby condemns this action and resolves that punishment of a lawyer and disbarring him from the profession of law on account of political activities is wholly inconsistent with the objects of LAWASIA being contrary to the protection of human rights and the maintenance of law within the LAWASIA region and derogatory to the upholding and advancing of the status of the legal profession within the region.

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September 8, 1983 Manila, Philippines	<b><i>Shooting down of Korean Airlines</i></b>	The LAWASIA Council expresses its profound regret at the recent shooting down of a defenceless civilian passenger aircraft of Korean Airlines and states that assuming that there was a violation of airspace by such an aircraft such alleged violation does not at any time justify killing of innocent passengers. The LAWASIA Council calls upon the responsible Government concerned to make full compensation and restitution to the bereaved families of the passengers and crew.
September 8, 1983 Manila, Philippines	<b><i>Assassination of Senator Benigno Aguino (leader of the opposition, Philippines)</i></b>	The LAWASIA Council at its meeting held on September 8, 1983, noted with grave concern the assassination of Senator Benigno Aguino, respected leader of the Opposition in the Philippines, while returning to his homeland and expresses its profound sympathies and condolences to Mrs Aguino and other members of the family.  The President of LAWASIA is hereby authorised to communicate this resolution to Mrs Aguino and other members of the family.
October 15, 1982 New Delhi, India	<b><i>Iran</i></b>	That the LAWASIA Council, representing 47 Bar Associations and 1700 individual lawyers throughout the ESCAP region, <u>condemns</u> the continuing violations of basic human rights in Iran; including the harassment of individual lawyers; the arrest and imprisonment without trial of the President of the Iranian Bar Association and other members of the Council of that Association; and the expulsion from office of members of the Judiciary. The Council of LAWASIA calls upon the Government of Iran to cease these violations of basic human rights principles and appeals to the United Nations to condemn the continuing violations of human rights instruments in Iran.