



CounterBalance International

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Affiliates Flourish As IAWJ Programs Expand

From Benin to Panama, the IAWJ and its affiliates are experiencing a period of enormous growth and programmatic activity. Since the last issue of *CounterBalance International*, three new national associations formed in Benin, South Africa and Zambia, swelling the total membership to 36 chapters and associations with members in over 90 countries worldwide.

EXPANDING UNIVERSE OF AFFILIATES

Taiwan Chapter Celebrates 10 Years

In January 2005, members of the **Taiwan Chapter of the IAWJ** celebrated the organization's tenth anniversary. The ceremony included remarks from Dr. Yueh-Shen Weng, President of the Judicial Yuan, Taiwan's highest judicial authority, who praised the Chapter for its outstanding contributions to law and society. **IAWJ President Jane Mathews**, **Founding President Arline Pacht**, and **IAWJ Executive Director Joan Winship** took part in the celebration. The IAWJ guests congratulated the Chapter members and expressed appreciation for their exceptional generosity to the IAWJ over the years. Judge Pacht gave an overview of the IAWJ's inception and development; Ms. Winship described the IAWJ's current programs while Judge Mathews gave highlights of the organization's future development emphasizing the international conference to take place in Sydney, Australia next May. The ceremony concluded with a display of informal photographs of many of the Chapter's members over the decade.

After the ceremony, several judicial officials hosted dinners for members of the Chapter and their IAWJ guests. Chapter members and their guests then visited courts in different parts of the island.



Members of the Taiwan Chapter and IAWJ leaders celebrate the Chapter's first decade.

Benin Association Takes Off
The **Benin Association of Women Judges** formed in August 2004 with 15 members. In addition to endorsing the IAWJ's objectives, BAWJ adopted goals specific to its own purposes: encouraging judicial creativity, enforcing the rule of law, expanding understanding of the law by all citizens, especially women, and promoting the training of magistrates, focusing on women in the magistracy.

The Association's first officers include: **Jeanny Agnes Ayadokoun**, President; **Huguette Balley Falana**, Vice-President; **Claire Ayemonna**, Secretary; **Eliane Medegan Fassinou**, Treasurer; and **Genevieve Boko Nadjo**, Secretary.

President Mbeki Presides at SAC Inauguration

The **South African Chapter of the IAWJ** (SAC-IAWJ) celebrated its launch on August 6-9, 2004, which coincided with South Africa's anniversary celebration of ten years of freedom and democracy and International Women's Day. The Conference commenced with a session chaired by **Justice Lucy Mailula** entitled "*Ten Years of Democracy: Women and the Judiciary*".

The Chief Justice of South Africa delivered the opening address congratulating the delegates on launching the South African Chapter and expressing his support for the organization. Presentations were delivered by **MMatshilo Motsei**, a resource facilitator, **Thandazwa Ndita**, a trainer and researcher with the Law, Race and Gender Research Unit of UCT, and **Lorraine Makati**, IAWJ Senior Magistrate from Botswana. Ms. Motsei focused on rural woman and advocated moral regeneration. Ms. Ndita emphasized the importance of judicial officers acknowledging and understanding people's backgrounds and their socio-economic circumstances, and reminded them that one of their core functions was to uphold the values of the Constitution. Ms. Makati outlined the various factors that have limited or denied women's access to justice: gender inequality, culture, tradition, and custom.

On August 8th, President Thabo Mbeki delivered his address, stating that the reason for the establishment of the SAC-IAWJ is "the vitally important objective of gender equality, whose achievement has to be a defining feature of the democracy we are striving to construct," as well as the defeat of sexism in the composition of the judiciary. President Mbeki heralded the Chapter's formation and delivered the oath of office to its new officers including: M. Lucy Mailula, President; **Jakkie Wessels**, Deputy President; **Leona Theron**, Vice President of Programs; **Soma Naidoo**, Vice President of Publications; Deputy President **Jeanette Traverso**, and Treasurer, **Belinda Molamu**, Secretary.

Zambian Association is Official

The Zambia Association of Women Judges reports that it attained formal registered status as a non-profit organization in September 2004. The current slate of officers includes: **Justice L. P. Chibesakunda**, President; **Judge I. C. Mambilima**, Vice President; **Hon M. Chanda**, Treasurer; **Hon. B. B. Kearns**, Secretary; **Hon Justice R. C. Kaoma**, **Hon Judge C. B. Phiri**, and **Judge G. Chawatama**, Committee Members.

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As IAWJ Programs Expand, Affiliates Flourish

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IAWJ PROGRAMS EXPAND

Among the IAWJ's principal purposes is to use the intelligence, imagination, and strength of its many members to carry out programs that will benefit all women in our communities. Some of the Association's latest projects are described briefly below.

Gender, Law, Property, Violence, and HIV/AIDS in Africa

The IAWJ has found that issues of gender and HIV/AIDS permeate case studies and discussions at the Jurisprudence of Equality Program (JEP) training seminars and follow-up sessions. IAWJ members are deeply aware of the broad societal impact of AIDS and of their responsibilities as jurists to address its legal and rights-based dimensions. As Chief Justice Ernest L. Sakala of the Supreme Court of Zambia explained, "[The] time has now come when the fight to contain or control the spread of HIV/AIDS can no longer be left to medical practitioners, NGOs or government alone. It is time that Honorable men and women of the Bench also joined the fight."

The IAWJ, its members and national associations in Africa are particularly concerned about HIV/AIDS' disproportionate effect on women and girls. Responding to the concerns of its members, the IAWJ is committed to helping judges and magistrates better understand and address the linkages between violence and discrimination against women and HIV/AIDS. As a first step, the IAWJ implemented a project sponsored by the World Bank, which brought together JEP-trained jurists from Uganda and Tanzania in June 2005 to participate in a global distance learning dialogue to explore relationships of gender, law, violence, property, and HIV/AIDS in Africa. A background paper written by **Liz Brundige**, of the IAWJ staff, provided a base for discussion; the jurists also brought their own experiences and JEP training to the discussion. The dialogue took place with World Bank personnel, IAWJ staff members in Washington, and IAWJ members in Tanzania and Uganda. The objective was to raise issues and generate ideas that may be further explored as a means to expand the capacity of national judiciaries to address the legal and gender dimensions of HIV/AIDS. This was a new experience for the IAWJ members and staff; coordination of the satellite sites was a challenge. Yet, participants in the three locations felt the dialogue was a success. It served as a brainstorming session through which future training materials and other IAWJ programming may be developed.

Legal Awareness in Afghanistan

In collaboration with the IAWJ, the Afghan Women Judges Association has been conducting a 10-week human rights training program for more than 300 high school girls and teachers in Kabul. AWJA members designed and coordinated this program focusing on building the Legal and Human Rights Awareness of these women. Funding was obtained through a joint proposal awarded by the US Department of State. The IAWJ and the AWJA see the imperative of teaching women and girls their basic human rights under the new Afghan Constitution so that their rights will not only be protected, but also advanced. The AWJA is providing significant leadership to work toward equal justice for women in their country. Together the IAWJ and the AWJA partnered during this time of transition through the June 2004 women judges' training sponsored by the IAWJ. As Afghan women judges are claiming their rightful roles in the new judiciary of their country, they are also contributing to advancing the rights of women and girls and promoting women's access to equal justice for the next generation.

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Toward Empowering Jordanian Women Judges

The IAWJ, collaborating with private consulting firm, DPK Consulting, Inc., is working on a new project focusing on the rule of law and empowerment of judges in Jordan. The Government of Jordan has adopted a Judicial Upgrading Strategy (JUST). In an initial phase, **Joan Winship**, IAWJ

Executive Director, spent three weeks in Amman, Jordan, in May 2005, providing DPK and the Ministry of Justice with a gender assessment of the JUST program. In this first stage, the IAWJ was asked to focus on 3 key areas: 1) the empowerment of the women judges of Jordan – including an assessment of the challenges women judges face, and a workshop introducing the IAWJ and its work to the women judges of Jordan; 2) strengthening the capacity of the Judicial Institute of Jordan (JIJ) to provide judicial education – including a workshop for male and female judges introducing the IAWJ's cornerstone training program, the Jurisprudence of Equality Program (JEP), and making recommendations for its implementation in Jordan; and 3) a review of the base line national survey from a gender perspective. While in Jordan, Ms Winship met with women judges and looks forward to supporting their efforts in the future.



Women judges from Jordan assemble to hear about the IAWJ and its programs.

JEP CONTINUES TO ADVANCE

As new projects begin, the IAWJ's pioneering flagship program, the Jurisprudence of Equality Program (JEP), continues its march toward implementing human rights for women at the domestic levels.



Ms. Chipo Machaca and Ms. Sibongile Msipa at JEP Seminar in Botswana.

Southern Africa: Between December 2004 and May 2005, the JEP Coordinating Teams in Botswana, South Africa, Zambia, and Zimbabwe conducted the first JEP seminars in each of these four countries. Approximately 20 judges and magistrates were trained at each seminar. The participants and observers enthusiastically responded to the seminars. For example, Chief Justice Ernest Sakala of the Supreme Court of Zambia thanked the IAWJ for bringing JEP to the Zambian judiciary and thus helping "to ensure sustainable development and the attainment of equality and equity between the sexes." Many of the participants said that the first JEP seminar had provided

them with exciting new tools and knowledge that they would use to decide future cases, particularly those involving issues of violence and discrimination against women. As one participating magistrate explained, "I have learned a lot about how to look around to seek the relevance of international law and to discover how to apply it. I look forward to the lessons that are still to come!" The JEP trainers are anxious to extend training to additional judges and magistrates and to conduct follow-up sessions with those already trained, so that jurists at all levels of the judiciary understand how to apply principles of human rights and equal justice in the cases that come before them in their courts.



Judges and magistrates at Zambia's first JEP Seminar.

East Africa: The JEP program in Kenya, Tanzania and Uganda has completed its course. JEP Taskforce members in these countries are working with the IAWJ to find funding for follow-up programming. The planned new programming on HIV/AIDS will build on the earlier JEP work in these countries.

Central America: In November 2004, the **Asociación de Magistradas y Juezas de Panamá (AMAJUP)** presented the results of its gender training program "Towards a Jurisprudence of Equality", and took advantage of the opportunity to recognize all those who contributed to the success of the project. The Association's final report first outlines AMAJUP's efforts to organize the program; provides a day-by-day narrative of the training; and an explanation of the program's major outcomes. The presentation took place in the headquarters of the Judicial School and was attended by many men and women magistrates, judges, members of the Women, Youth, Childhood and Family Ministry, the Public Prosecutors, trial lawyers, and AMAJUP associates. Homage was paid to all former Presidents of AMAJUP who, throughout the 10-year existence of the organization, have promoted the study and implementation of international covenants that guarantee women's human rights.



Judges and magistrates in El Salvador attend JEP Seminar.

Although the IAWJ originally received funding for two seminars for each country in Central America, the **Association of Women Judges in El Salvador** conducted four seminars during the first year of JEP's implementation, followed by four follow-up seminars. This went beyond the expectations of the IAWJ. But, through the creative leadership of the JEP coordinators in El Salvador, these seminars took place in every region of the country

throughout 2004. The Association has set a goal of training all judges in El Salvador in JEP.

In August, 2004, **Judge Maria Eugenia Villasenor Velarde** and **Judge Yolanda Perez Ruiz** led two JEP seminars with 19 participants in Guatemala. The Task Force received support from the Guatemalan government to hold the seminars. Participants identified lessons learned in Guatemala, including the recognition of the violations of the human rights of women in Guatemala in the past and the need for judges to make more effective use of existing laws as well as international instruments in order to protect human rights in the future.

JEP's Future: The IAWJ is always open to explore ways to expand the *Jurisprudence of Equality Program* to other countries and regions of the world. Our challenges are always adequate staffing and funding. In September 2005 the IAWJ will partner with the **Taiwan Chapter of the IAWJ** to bring an introductory seminar on human rights principles to the Judicial Personnel Study Center in Taipei. Since JEP itself is always modified to a given country, its constitution and laws, the IAWJ responds to opportunities to work in places where we have a core group of IAWJ members who are willing to provide the necessary local leadership. **Anne Goldstein, the IAWJ's Human Rights Education Director**, will facilitate this program.

Central America Trans-Border Consultation: In September 2005 in El Salvador, the IAWJ will hold a cross-border consultation with JEP-trained judges in Central America, and additional judges from Mexico and the USA. Increasingly, JEP judges in Central America have identified the growing number of cases before their courts involving cross-border issues (including labor migration, trafficking, street gangs, international adoption and kidnapping, drugs, economic displacement, and immigration) as a critical and growing problem. The IAWJ and its partner associations in the region have identified the importance of exploring these issues, the need to gather information and evaluate the requirements of judges, and the importance of the role of national courts in recognizing and enforcing basic human rights principles, within national borders and across them as well. The goal of the consultation is to discuss ways in which judicial training, cooperation, or other program initiatives might be useful in addressing these issues. Funding for this program has been awarded to the IAWJ from two private foundations, the Arca Foundation and the General Service Foundation.

Introducing Elizabeth W. Brundige, Yale University Robert L. Bernstein Fellow



Liz Brundige

Elizabeth W. Brundige, a 2003 graduate of Yale University Law School, joined the staff of the IAWJ in September 2004. With the generous support of Yale's Robert L. Bernstein Fellowship in International Human Rights, Liz is working full time with the IAWJ for one year, focusing particularly on the IAWJ's work in Southern and East Africa. In November and December, Liz had the opportunity to spend four weeks in Zam-

bia, Zimbabwe, and South Africa, where she met with IAWJ members, attended the first Jurisprudence of Equality Program seminars in Zimbabwe and Zambia, and conducted research for IAWJ programming on gender, law, and HIV/AIDS. Liz played a leading role in developing the distance learning dialogue that brought together IAWJ members in Uganda and Tanzania and IAWJ and World Bank staff in Washington, DC, for a videoconference consultation on promoting women's access to justice in the context of the HIV/AIDS pandemic. In March 2005, Liz received the American Society of International Law's Arthur C. Helton Fellowship in International Human Rights, which helped to support her travel to East Africa in July 2005 to document the impact of case decisions in which JEP-trained jurists have applied human rights principles to resolve issues of gender-based violence and discrimination.

Liz is grateful for the warm welcome that she received from so many of our members during her trips to Africa and for the opportunity that she has been afforded to expand her professional experience and to contribute to the IAWJ's work in advancing the human rights of women and all people.

IAWJ Hosts Congressional Breakfast on South Africa



Justice O'Regan with IAWJ staff and interns.

Joining the Women & Politics Institute of American University, on April 13, 2005, the IAWJ along with the Women's Foreign Policy Group co-hosted a Congressional Breakfast at the US Congress to commemorate South Africa's 10th Anniversary as a constitutional democracy. Moderated by the Hon. Ruth Bader Ginsburg of the US Supreme Court, the featured speakers were Hon. Yvonne Mokgoro and Hon. Kate O'Regan, Justices of the South Africa Constitutional Court. The event drew a standing room only crowd as the justices spoke on "*The Impact of South Africa's Constitutional Court on Gender Equity.*" IAWJ staff and Board of Managerial Trustees members were privileged to have the opportunity to discuss South Africa and human rights further with Hon. O'Regan the next day.

In Memory of Our Friend and Colleague: Diana Ilies Ngbokoto

IAWJ Speaks at 2nd International Conference on the Training of the Judiciary

by: Alexis Andrew, National Judicial Institute of Canada



Diana Ilies Ngbokoto

It was with great sorrow that the IAWJ announced the death of our colleague and friend, **Diana Ilies Ngbokoto**, on March 11, 2005.

Diana was a beautiful, bright, talented young woman who contributed much to the work of the IAWJ. Of all of us on staff she had worked with the IAWJ longest. Diana began her work with the IAWJ in 1999, first as the IAWJ Membership Coordinator and more recently as the Program Coordinator for the

Jurisprudence of Equality Program in Africa and Central America. A talented linguist, when we needed someone with Spanish skills, we arranged for tutoring, she studied and picked up the language – her 4th. Many IAWJ members knew her and worked with her long distance. As the Jurisprudence of Equality Program Coordinator she managed all the day-to-day coordination of JEP Africa and Central America with great organizational skills. But most of all, she was a valued and dear colleague.

Diana was only 32 and the mother of four young children, ranging in age from 8 to 2. She cared about them deeply and juggled all the responsibilities of mothering while working with us full-time as well. She was also an extremely talented and creative artist, who designed jewelry and used her commitment to the global community by transforming beads she collected from around the world into wearable art.

Originally from Romania, Diana studied in Switzerland where she earned a B.A. in Business Economics with a concentration in Management, finishing with a thesis on African economics. After coming to the U.S., she worked with several NGOs that focused on development issues in Africa. Her varied background gave her a unique perspective on issues of human rights, development and justice.

In addition to her four children, Diana is survived by her parents from Romania, and her brother, sister-in-law, and niece from Virginia.

Diana was a victim of domestic violence, the very thing the IAWJ is working so hard to end. In our work we talk every day about the issues of violence against women that are pervasive throughout the world. Diana was committed to her work with the JEP program and to working with our members throughout the world as we each try to do what we can to end this kind of violence. It is hard to believe that even within our midst this has occurred, but it makes our work seem even more urgent and real.

Funeral services for Diana were held on Monday, March 21 at the Romanian Orthodox Church in Alexandria, VA.

The IAWJ has established a memorial fund to honor Diana. Checks may be made out to: "IAWJ - Diana Fund." Contributions may also be made at the IAWJ website, www.iawj.org.

In early November 2004, over 300 judicial educators from over 80 countries gathered to share experiences, knowledge and skills related to judicial education and the role of social context in judicial education. The setting was "The Canada Conference: *Judicial Education in a World of Challenge and Change*," 2nd International Conference on the Training of the Judiciary hosted by the International Organization for Judicial Training (IOJT) and Canada's National Judicial Institute (NJI). The conference examined two areas: design and delivery of judicial education with a special focus on skills-based learning and social context education.



International IAWJ members at the Canadian meeting

The conference was opened by a panel of Chief Justices (from Canada, Israel and Nigeria) who addressed the essential role of the judiciary in ensuring the strength, relevance and vibrancy of law in their countries and, more generally, the international rule of law. Other sessions looked at how to organize a judicial education institute, how to develop curriculum, evaluate effectiveness and develop the capacity of judges to be good educators. A special session looked at the role of judicial education in major justice system reform, which included perspectives from countries undergoing development or transformation.

Members of the International Association of Women Judges were in attendance in good numbers from around the world and enjoyed the chance to meet and talk with one another. The **Canadian Chapter of the IAWJ** had an information booth at the Knowledge Fair at the outset of the Conference and many members were greeted by Canadian President, **Justice Virginia Schuler**. IAWJ Executive Director, **Joan Winship** attended along with **Anne Goldstein**, Human Rights Education Director for the Association. They facilitated a workshop at the Social Context Symposium over the final two days of the Conference. This Symposium provided an opportunity for in-depth consideration of how judges and judicial educators can respond to the complex social dimensions that are part of the cases that come before them and which interact with decision-making and remedies. The IAWJ team presented a workshop entitled "*Judicial Education and Gender Equality: Women, Judges and Human Rights Law*".



IAWJ member and JEP Trainer, **Justice David Wangutusi** from Judicial Studies Institute in Uganda (2nd from right) with other delegates.

Presenters included **Hon. Justice Eusebia Munuo** (Tanzania), **Hon. Judge Maria Eugenia Villaseñor Velarde** (Guatemala) and **Hon. Judge Angela de Alberto** (El Salvador).

Photo Credit: NJI

More information and conference papers can be found at: www.nji.ca/internationalforum.

IAWJ Honors International Women's Day And Two Pioneers In International Human Rights

Two extraordinary pioneers in international human rights were honored by the International Association of Women Judges at a reception in Washington on March 10, 2005. The event, held in recognition of International Women's Day, introduced **Hon. Marzia Basel**, founder and director of the Afghan Women Judges Association; and **Hon. Zakia Hakki**, the first woman judge in Iraq, currently active in reconstructing the judiciary under the new Iraqi constitution and a voting member of the constitutional drafting committee.

The reception was hosted by Pepper Hamilton LLP and held at the firm's office in downtown Washington, DC.

Judge Marzia Basel founded the Afghan Women Judges Association in 2002. Former judge in the Public Security Court, both before and after the Taliban regime, Judge Basel served in a special category on the *Loya Jirga* Commission in 2002 and with various U.N. and other international agencies during the time of transition. She is an articulate spokesperson on behalf of women and human rights in Afghanistan.

Judge Zakia Hakki is a Faylee Kurd from Baghdad. A long-time advocate for human rights and women's equality, she was active in anti-Saddam resistance. In 2003, Judge Hakki became an advisor to the Ministry of Justice from the Iraqi Reconstruction Development Council, and she has participated in redesigning the judicial and political system of the country. She promoted a decentralized government and an independent judiciary to preserve human and minority rights.

"These judges have made compelling contributions to the field of women's rights in Afghanistan and Iraq," said **Donald H. Green**, of counsel to Pepper Hamilton and a member of IAWJ's board of managerial trustees. "Their resolve to make better the lives of those around them is truly inspirational."

The IAWJ is grateful to Pepper Hamilton for hosting this event. Pepper Hamilton LLP (www.pepperlaw.com) is a multi-practice law firm with 400 lawyers in six US states and the District of Columbia. The firm provides corporate, litigation and regulatory legal services to leading businesses, governmental entities, nonprofit organizations and individuals throughout the nation and the world. The firm was founded in 1890.



Donald H. Green with **Hon. Zakia Hakki**, **Hon. Marzia Basel**, and **Joan D. Winship**, IAWJ Executive Director.

IAWJ Spreads Word of Its Work and Programs

Portugal

IAWJ Human Rights Education Director, **Anne Goldstein**, delivered the opening address last November 17 at the **Portuguese Association of Women Jurists'** International Seminar on the Human Rights of Women. Her remarks dealt with the use of international law in domestic courts, describing in particular decisions that East African judges have rendered based on CEDAW and other international agreements.

The three-day seminar in Lisbon, which marked the 25th anniversary of the CEDAW Convention, brought together Portuguese judges, lawyers and law students with Portuguese CEDAW Committee member Regina Tavares da Silva and various international experts on international law and women's rights. **Appeals Court Judge Teresa Fesa Feria**, the President of the PAWJ organized and hosted the conference.

The Americas

Joan Winship and Anne Goldstein took part in the Inter-American Development Bank's celebration of Gender Week, March 8-11, 2005, speaking on the 11th on the Jurisprudence of Equality Program in the Americas. They shared the lectern with Peruvian attorney Julissa Mantilla, who described her work integrating gender into the decision making of Peru's Commission on Truth and Reconciliation.



Mauricio Bertrand-Flores of the IADB's Women in Development Unit with **Anne Goldstein** and **Joan Winship**.

On April 19-20, 2005, Anne Goldstein took part in a working meeting of approximately 20 experts convened by the Inter-American Commission on Human Rights' Special Rapporteur on Women at the Commission's Washington, DC, headquarters. The meeting sought to identify obstacles women in the Americas face in access to justice. Anne gave a presentation focused on obstacles identified through the Jurisprudence of Equality Program in Latin America.

IAWJ Members Serve on Special Court for Sierra Leone

Sierra Leone – The UN Secretary-General appointed 2 IAWJ members to the Special Court for Sierra Leone. **Justices Julia Sebutinde** of Uganda and **Teresa Doherty** of Northern Ireland and Papua Guinea, are the first two women appointed to the Trial Chambers of the Special Court; already serving on the Appeals Chamber is **Justice Renate Winter** of Austria. Justice Doherty stated, "We are proud that the UN has included women on this most recently established International Court. The training and experience we received under the auspices of the Jurisprudence of Equality Project (JEP) will prove a valuable investment in the promotion of gender justice in the Special Court."



World News Report

♦ **Afghanistan** – The IAWJ extends its congratulations to member, **Marzia Basel**, who graduated from George Washington Law School on May 22, 2005, earning the international LLM degree.



A delegation of 6 Afghan judges visited the IAWJ offices on February 4, 2005. Among the delegation were 2 IAWJ members, **Hon. Hamida Panjshiri** and **Hon. Huma**.



Hon. Gladys Alvarez

♦ **Argentina** – **Dra. Gladys Alvarez**, retired judge and law professor, was awarded a Doctor of Law degree by the University of Windsor Law Faculty in Canada on June 10, 2005. Dra. Alvarez co-founded the Libra Foundation and was instrumental in introducing

alternative dispute resolution in the courts of Argentina and many other Latin American countries. She was lauded for her work and her writings and for identifying and counteracting the factors that restrict access to justice through mediation.

In her address, Dra. Alvarez stressed that access to justice is a basic human right and that ADR is a key to that access. She stated that ADR is, "what people decide for themselves...for we are all very capable of deciding our needs and interests." Dra. Alvarez pointed out that parties who possess the power to resolve their own conflicts reflect a democratic and just society.

Hon. Susana Medina de Rizzo was appointed to the Supreme Court of Entre Rios.



Hon. Susana Medina de Rizzo shakes hands with **Dr. Jorge Pedro Busti**, Governor of Entre Rios, who presided over the ceremony.

♦ **Bangladesh** – In June 2005 officers of the **Bangladesh Women Judges Association** hosted the IAWJ Executive Director, Joan Winship, at the home of BWJA founder and IAWJ Secretary/Treasurer, **Hon. Nazmun Ara Sultana**. Ms. Winship also spoke at the first ever joint meeting of the BWJA and the Bangladesh National Women Lawyers Association. Together there was considerable discussion on how to make the courts more accessible to women.



BWJA officers welcome Joan Winship.

♦ **Brazil** – On August 5, 2004, over 400 people from 175 of 177 states parties to the Convention on the Elimination of All Forms of Discrimination against Women elected 11 experts to be new members of the CEDAW Committee, which monitors implementation of and compliance with the Convention. **Hon. Silvia Pimentel** was elected to the committee. For Hon. Pimentel, this success reinforces her strong motivation to continue striving towards the end of discrimination against women and the promotion of equality between the sexes as well as female autonomy. Hon. Pimentel started the 4-year term on January 1, 2005. Thirteen Brazilian women's NGOs suggested her name as candidate to the CEDAW Committee, which prompted the Brazilian Government to name her its candidate. Letters of support for her candidature were presented by Minister Nilcéa Freire, head of the Special Secretariat of Policies for Women, and the IAWJ.



Hon. Rosalie Abella



Hon. Louise Charron

♦ **Canada** – The **Canadian Chapter of the IAWJ** announced that two more women judges were appointed to the Supreme Court of Canada, which now consists of four women and five men. **Justices Louise Charron** and **Rosalie Abella**, both on the Ontario Court of Appeal prior to their new appointments, were sworn in on October 2004.

In April 2005 the CCIAWJ held a conference entitled "*Judging Across Borders: Canadian Judges and International Law*" attended by CCIAWJ members and other members of the IAWJ. The conference explored the role of international law in Canadian courts, the ways in which Canadian judges work within the international environment, and the contributions that Canadian judges can make to strengthening the rule of law globally.

♦ **China** – In November 2004, China Association of Women Judges President, **Justice Wang Xiuhong** was appointed by Chief Justice Xiao Yang as a Grand Justice. She is the only woman Grand Justice in Supreme Court; **Hon. Ma Yuan** was former Grand Justice



♦ **Democratic Republic of Congo** – **Hon. Rose Mutombo Kiese** visits with IAWJ staff and interns in April 2005 in Washington.

♦ **Guyana** – **Hon. Desiree P. Bernard** recently assumed a position as a judge on the newly inaugurated Caribbean Court of Justice, which is now the final Court of Appeal for all the countries of the Caribbean. She is the only woman to sit on the 6-person bench.

♦ **Japan** – The **Japanese Association of Women Judges** welcomed IAWJ Executive Director, Joan Winship, for a visit in Tokyo in October 2004. Retired Supreme Court Justice and founder of the JAWJ, **Hon. Aiko Noda**, hosted a dinner of the JAWJ and other meetings at the court.



JAWJ members in October 2004

DUES REMINDER:

Starting in 2005, membership dues for associations increased to \$10 (US) per member. Individual member dues remains the same at \$15 per person. Membership forms are available on the IAWJ website, www.iawj.org

World News Report



♦ **Italy** – Last year **Associazione Donne Magistrato Italiane** (ADMI) organized a conference on the Italian judicial system, held in Rome, on the government's proposed reforms, and a meeting about the reform of juvenile justice. ADMI is preparing a conference dealing with environmental issues and another conference with Administrative Judges. ADMI also edited its newspaper *Giudicedonna* and wants to translate it into English for IAWJ members. ADMI sadly announced the death of **Teresa Massa**, a member and past President of the association.



Hon. Leslie Alden with Angiolina Fusco Perrella.

IAWJ Vice President, Judge Leslie Alden, attended a symposium entitled *The World of Women: Women of the World in Italy* on November 10, 2004. The presentation, organized by the Minister of Equality, included speakers

including Angiolina Fusco Perrella, President of the Regional Parliament of Molise, who explored the current condition of women in Italian society, their access to justice and equal treatment in the courts, and their parity among the leadership of the country. Presenters also spoke about women's access to justice around the world. Judge Alden spoke about the importance of women participating in the justice system in order to achieve equality, and Sona Khan, a lawyer from India, spoke about the rights of Muslim women.



Hon. Joyce Aluoch

♦ **Kenya** – **Lady Justice Joyce Aluoch** regained her seat in a highly competitive and contested election for 9 seats on the United Nations Committee on the Rights of the Child (CRC) on February 23,

2005. Justice Aluoch, who has served as a Vice Chairperson for the Committee for the past two years, was elected during the first round of voting. Other candidates who were elected include representatives from: Qatar, Norway, Bangladesh, Switzerland, Republic of Korea, Canada, Serbia and Montenegro, and Uganda.

♦ **Malaysia** – Justice Dato Siti Norma Yaakob was appointed the Chief Judge of Malaysia, the First Woman Chief Judge. She was a Federal Court justice who was about to retire.

♦ **Northern Cyprus** – **Supreme Court Justice Gönül Erönen** visited Kuala Lumpur on the invitation of the Malaysian Bar Council's Human Rights committee and a women's NGOs. She gave two presentations, one on "Women, Islam and the Rule of Law in an 'Illegal' State: The Case of North Cyprus", and another on her experience as a Muslim woman judge. She spoke about the IAWJ and its activities and invited the attendees to join the IAWJ. Her full presentation can be found on the IAWJ website, www.iawj.org



Hon. Gönül Erönen speaking at the conference in

♦ **Philippines** – The **Philippine Women Judges Association** held its 10th National Convention-Seminar and General Meeting in Manila City on March 4, 2005. The theme was "Women Magistrates: Catalysts for Judicial Reforms." Hilario G. Davide, Jr., Chief Justice of the Philippine Supreme Court attended the meeting. Currently, five women sit on the Supreme Court of the Philippines, **Justices Consuelo Ynares-Santiago, Angelina Sandoval-Gutierrez, Ma. Alicia Austria-Martinez, Conchita Carpio Morales, and Minita V. Chico-Nazario** who was recently elected as the President of the PWJA.

♦ **Portugal** – A member of the Portuguese Committee for Human Rights, the **Portuguese Association of Women Jurists** hosted a seminar on *Women's Human Rights under International Law* on November 17-20, 2004. The PAWJ gathered a large number of women jurists from all over the world to mark the 25th anniversary of the Convention on the Elimination of all Forms of Discrimination against Women. Delegates debated recent developments in international law such as the status of the ICC and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. IAWJ Human Rights Education Director, Anne T. Goldstein, was invited to officially open the seminar.



Hon. Sookyeon Lee visited with IAWJ staff and interns on June 6, 2005.

♦ **South Korea** – IAWJ members in South Korea have mainly been an online community. In June 2005, 28 senior judges met in person to plan future activities and organize as a full association.

♦ **Sri Lanka** – **Justice Shiranee Tilakawardane** delivered the key note address at an Asia-Pacific Judicial Forum in Nepal on June 21. Her paper was entitled, "The Role of Judges and Public Prosecutors in the Promotion of Gender Justice." She also conducted a breakout session that explored myths and stereotypes. Further, with World Bank support, Justice Tilakawardane will organize a program for the judges of Sri Lanka that will focus on judicial responsibility in dealing with issues of gender and equality.



A group picture of the visiting PR of China judges and their Taiwanese counterparts.

♦ **Taiwan Chapter** – The **Taiwan Chapter of the IAWJ** co-hosted a tour with the Association of Cross-Straits Study Exchange inviting their PR of China counterparts to visit during September 2004. Members of the Taiwan Chapter welcomed the group, led by the **Hon. Wang Xiuhong**, the president of **China Association of Women Judges**. The women shared life and work experiences. During the one-week journey, the guests visited the High Court, Taipei District Court, Tainan District Court, and the Taipei Public Prosecutor's Office.

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Articles for World News Report and Landmarks are welcome and should be submitted to IAWJ headquarters.



World News Report



Lady Butler-Sloss and UKAWJ President Lady Hale (center) enjoy networking at UKAWJ annual meeting.

♦ **United Kingdom** – The UKAWJ held its 2nd annual conference in Birmingham, on April 17-8, 2005. Five members of the IAWJ's Board of Directors attended and shared the day with their UK colleagues. The morning session focused on women in the criminal justice system. The speakers spoke about women's treatment in the system: Vera Baird QC MP, recently chair of a Commission on Women in the Criminal Justice System, Martin Waskic, Professor of Law at Keele University, who chairs a Sentencing Advisory Panel, and Anne Owers, Chief Inspector of Prisons. The afternoon focused on international opportunities for judges and included Hon. Mary Davis, former criminal judge from New York City who most recently has been working on the criminal justice system in Afghanistan, and Hon. Bernie Kelly who represented the UKAWJ at the IAWJ biennial conference in Uganda. The conference concluded with some reflections from the UKAWJ Patron, Elizabeth Butler-Sloss, who is retiring as President of the Family Division at the end of this term after 35 years as a judge in the family justice system.

Highlights from IAWJ Board of Directors Meeting

Ten members of the Executive Council and Board of Directors met April 18-19, 2005, in London for their annual meeting, the largest number to attend an 'off-year' meeting. The discussion focused on IAWJ business and work. Decisions reached by the Board included:

- ♦ Revisions and amendments to the IAWJ Bylaws adopted in 2002 to make them reflect the actual working of the IAWJ today;
- ♦ IAWJ Biennial Conference: 1) Choice of venues for future conferences should consider as much as possible all positive aspects of a location and any difficulties that might be anticipated, with the intent that all members be able to attend; 2) Location and coordination of future conferences to be separate from the Presidency so that conference and venue are not bound to the current president, allowing more flexibility in choosing sites for the conference and opportunity for the president to focus on wider IAWJ programming; and
- ♦ Enthusiastic endorsement of newly-developed guidelines delineating responsibilities of international liaisons to the IAWJ and a request that other lists of responsibilities be developed for officers and Board members as well.

The Board of Directors passed official resolutions:

- ♦ Appointing Hon. Shireen Fisher IAWJ Representative to the Hague Conference on International Private Family Law;
- ♦ Asking the Executive Director to notify any association that has not paid dues for 2 years that it must respond with its intentions within 60 days or be removed from the rolls;
- ♦ Requesting that the Bylaws Committee study and report on the request of MAGED (Italy) to be a member of the IAWJ;
- ♦ Requesting the President form an Award Committee to consider the criterion for a 2nd Human Rights Award; and
- ♦ Asking the Executive Director to prepare an appropriate memorial for Diana Ngbokoto.

Members of the IAWJ can be proud of the dedication and efforts of the current Officers and Board of Directors. Since the IAWJ does not have funding to underwrite the costs of participation in Board meetings, special thanks go to all who were able to find funding in order to attend. This is a continued challenge for the IAWJ, but we are pleased that there was representation from each of the IAWJ regions at the 2005 meeting.

Hon. Pillay On Innovations of ICC

The IAWJ and the American Society for International Law proudly co-hosted a talk by the Hon. Navenethem Pillay, formerly Associate Justice of the Supreme Court of South Africa and President of the International Criminal Tribunal for Rwanda in Arusha. Speaking at ASIL headquarters on May 11, Judge Pillay offered an overview of unique features of the Rome Statute and discussed its accomplishments since its inception in 2002.



Justice Pillay is joined by IAWJ members, A. Pacht (left) and L. Alden (right).

Among the ICC's most notable innovations is a statutory command requiring the participation of women in every aspect of the Court's work – on the bench, in the prosecutor's office, and throughout its administrative apparatus. Judge Pillay pointed out the principles of female representatives and gender expertise were never incorporated explicitly in any international treaty until they appeared in the Rome Statute establishing the ICC. Thus, Article 36 of the Statute specifies that in electing judges, the State parties must take into account the need for fair representation of women and men, and the need to include judges with legal expertise in the area of violence against women and children. As a result, seven of the eighteen judges elected by the Assembly of State Parties are women, who fulfill the requisite legal and expertise qualifications.

Further, Judge Pillay pointed out that the Rome Statute specifically designates criminal conduct such as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other grave forms of sexual violence as violations of the Geneva Convention, crimes against humanity, and under certain circumstances, genocide.

In addition, she outlined procedures set forth in the Statute that require the Court to take appropriate measures to protect the safety, physical and psychological well-being, dignity, and privacy of victims and witnesses. The court also is authorized to order reparation, including restitution, compensation and rehabilitation for victims from a trust fund established for this purpose.

Turning to the principle of "complementarity," a measure not found in the statutes creating the ICTR and ICTY, Judge Pillay explained that the Rome Statute makes clear that every state is obliged to exercise its criminal jurisdiction over those responsible for international crimes. The court will only act when states are unwilling or unable to bring transgressors to justice, in accordance with the doctrine of complementarity.

Bench Marks

On the Record

by: Jane Mathews, IAWJ President

It is now a year since I became President of the IAWJ. A great deal has been achieved thanks to the tireless efforts of Joan Winship and her team. Tragedy has also intervened. The death of Diana Ngbokoto shocked everyone who knew her. It was particularly difficult for the IAWJ staff, all of whom had very close working and personal relationships with her. As Joan said so movingly, it brought home in a very dramatic manner the devastating impact of domestic violence. And this in the midst of an organisation which has, as one of its principal goals, the elimination of the type of inequality which leads to domestic violence.

In January of this year, Joan Winship, Arline Pacht and myself were privileged to join our sisters in the Taiwan Chapter of the IAWJ in celebrating the 10th anniversary of their formation. The Taiwan Chapter has always been very active in supporting the IAWJ, and it was exciting to see that its members are just as active and energetic in their projects within the country as they are externally.

In April, we held our annual meeting of the executive and international directors in London. The meeting extended over two days and was well attended. We managed to get through a great deal of work. The decisions made at this meeting will facilitate and enhance the efficiency of the IAWJ as it continues to grow and to expand its activities.

The IAWJ is an organisation on the move. Its potential is vast. Harnessing this potential is probably the greatest challenge facing the organisation at the moment. It is a task which Joan and her team are tackling with verve and imagination. I would like to thank all of them for their dedication and commitment to the goals of the IAWJ.

We, the members of the IAWJ, also have a major part to play in this process. It is our collective power as women judges which gives this organisation its unique status.

How we, as individuals or groups, can assist in advancing the causes of the IAWJ, will be one of the topics discussed at our 8th biennial Conference in Sydney, Australia, between 3-7 May 2006 whose overall theme will be the independence of the judiciary – an important subject at the moment, given the diverse and serious threats to independence which exist in so many jurisdictions.

The organisation of the conference is well under way, and you will be hearing more about it shortly. It promises to be very exciting. Sydney is a large, dynamic and beautiful city, and the weather at that time is generally clear and mild. There will be many pre-conference and post-conference tours available. For many it is a very long way to come, but I think I can promise that it will be a trip you will never regret.

I look forward to welcoming you to Sydney next year.



by: Joan D. Winship, IAWJ Executive Director

This edition of *CounterBalance International* brings news of the exciting energy throughout the IAWJ. We are delighted to share with you the birth of new associations, the expansion of our individual membership, and the introduction and continuation of new and innovative programming. We have this news to share because you, the members of the IAWJ, are active in so many ways and are sharing your work and activities with us at the IAWJ

headquarters.

As you know, we lost our dear colleague and friend, Diana Ngbokoto. We feel her loss every day. But the IAWJ is blessed with wonderful, talented staff who carry on with tremendous dedication and commitment to its mission and work. We could not do this without the support not only of our permanent staff, but also of the young women who join us temporarily during the year, our law school and undergraduate interns. They provide support that we could not otherwise afford. In turn, they benefit from working with an international NGO dedicated to advancing human rights; they get to meet and work with many of our members, each of whom is making a contribution to advancing women's rights and the rule of law around the world; and they learn about international law and women's rights.

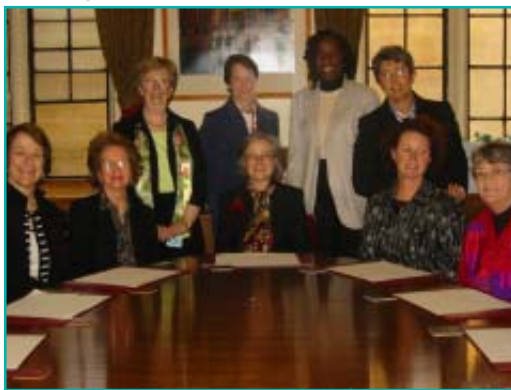
During this past year, I have visited a number of our associations and members in their own locales – Bangladesh, Canada, Italy, Japan, Jordan, Taiwan, UK, and USA. It is a privilege for me to visit with and speak to a wider group of members than might be able to come to the biennial conferences. As members become more and more mobile, we are also able to link you to other IAWJ members in your own travels around the world. Additionally, we are delighted that so many members are now visiting with us as they come through Washington. We are

pleased to host you in our offices and to invite others from the area to meet you and to have the opportunity to learn more about your own work. We encourage all of you to let us know as you travel professionally or personally, so that you can benefit from the wonderful IAWJ international network.

The IAWJ is reaching out to new regions of the world. We are particularly pleased that we have new members in the Middle East in such countries as Iraq, Jordan, Lebanon, Syria and Tunisia. We anticipate expanding our collaboration with the women judges in Jordan and hope to help them form a new chapter there this year. We are communicating with the women judges in Iraq during this critical time in their country, and we are seeking ways to be supportive of their efforts to protect the rights of women there.

Like most NGOs, the IAWJ continues to face the challenges every day of finding financial support for our work and programming. We thank all of you who have submitted your dues this year and a special thanks to those who have made additional contributions to the IAWJ. We couldn't do it without you! And it is our members' work, your energy and your ideas that make our programs attractive to other donors and friends.

IAWJ President, Hon. Jane Mathews, and her committee are working hard to plan a wonderful educational conference for the IAWJ in May 2006. We look forward to hearing from you now, to sharing more with you via the IAWJ website, and to seeing you in Sydney next year!



IAWJ Board of Directors meet with Lady Justice Brenda Hale, UKAWJ president, at the House of Lords.



LANDMARKS



Kenya: J.A.O. v. Homepark Caterers Ltd. et al., Civil Case No. 38 of 2003, High Court of Kenya at Nairobi, Sept. 2004. Plaintiff J.A.O. filed suit against her former employer, arguing that the company unlawfully terminated her employment based on her HIV status, in violation of her constitutional right to be free from discrimination. She also sued her doctor and hospital, claiming that they violated her constitutional rights to privacy and confidentiality by testing her for HIV without her consent and disclosing the HIV status to her employer. In addition, the plaintiff claimed that the defendant doctor breached his professional and statutory duty to counsel her and disclose to her the HIV status. The defendants filed a chamber summons asking the court to dismiss the complaint on the grounds that it failed to disclose a reasonable cause of action. Judge M.G. Mugo held that the complaint stated a cause of action that was reasonable in light of “the nature of th[e] case, the universality of the HIV/AIDS pandemic, and the development of the human rights jurisprudence together with the ongoing attempts at the harmonization of the relevant conventions with domestic law.” Therefore, Judge Mugo dismissed the chamber summons, with costs to the respondent.

Kenya: Okeyo v. Ogwayi, Civil Suit No. 66 of 2001, Republic of Kenya Senior Resident Magistrate’s Court at Homa Bay, June 13, 2002. Following the death of her estranged husband, Plaintiff Janet Atieno Okeyo sought a permanent injunction against her father-in-law Jacob Ogwayi, enjoining him from forcing her to return with her two children to her marital home. Okeyo and her deceased husband, Jones, the defendant’s son, had separated one year prior to his death. Several years after Jones’ death, his father had Okeyo arrested on the ground that because he had paid dowry for Okeyo, she was his daughter-in-law and should be living with her sons in Jones’ marital home. Senior Resident Magistrate J.A. Wanjala held that forcing Okeyo to return to the marital home violated Okeyo’s statutory rights of free association and movement. Any customary law requiring her return was repugnant to the written law, and under the Judicature Act, Sec. 3(2), the written law prevails. Senior Resident Magistrate Wanjala further found that the age of the children and the fact that they had been living with their mother dictated that they remain in the custody of their mother. The court enjoined the defendant from interfering with the plaintiff and forcing her back to the marital home.

Tanzania: Chilla v. Chilla, Civil Appeal No. 188 of 2000, High Court of Tanzania at Dar Es Salaam, Jan. 6, 2004. Ivona Chilla, the sister of the deceased, filed suit objecting to the appointment of Demetria Chilla, the decedent’s wife, as administrator of the decedent’s estate. Justice N. Kimaro held that the magistrate court correctly appointed the respondent, who is the mother of the decedent’s son, to serve as the administrator of the estate based on the welfare of the child principle embodied in the Convention on the Rights of the Child (CRC). Moreover, Justice Kimaro explained that the appellant’s argument that the respondent mother had no right to apply to serve as administrator because she was not chosen to do so by her husband’s clan and the magistrate’s gratuitous finding that only male children can inherit were contrary to the equality provisions of Articles 13, 19, and 26 of the Tanzanian Constitution and Articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Tanzania: Juma v. Kifulefule, Civil Appeal No. 247 of 2001, High Court of Tanzania at Dar Es Salaam, Jan. 6, 2004. Appellant husband appealed the trial court’s determination that his physical abuse of the respondent wife was the source of the dissolution of their marriage. Justice N. Kimaro rejected the appellant’s characterization of the dispute as a normal marital fight and upheld the decision of the trial court. She explained that domestic violence violates the right to equality and to life under Articles 12(1) and 14 of the Constitution of Tanzania, as well as the Universal Declaration of Human Rights (UDHR), which is embodied in the Constitution and proscribes cruel, inhuman, and degrading treatment and punishment. The court also upheld the trial court’s division of the parties’ marital property, which followed the principle of equal protection under the law as required by Article 13(1) of the Tanzanian Constitution.

Tanzania: Marandu v. Marandu, Civil Case No. 33 of 2003, District Court of Moshi at Moshi, Oct. 10, 2003. This case involved a dispute between the mother and other relatives of the deceased and his wife over which party had the right to bury the body of the deceased. Resident Magistrate R. M. Kitusi awarded burial rights to the wife, holding that the evidence demonstrated that the decedent told his wife and children that he wished to be buried at the place of his marital home and that he was a devout Christian and no longer bound by customary law that required a first born son to be buried on ancestral land. In rejecting the reasoning of a 1986 Kenyan case, the resident magistrate explained that while the notion that “a woman should sit by and wait for men to decide on what do to with her husband’s body may have been true some years ago, . . . the laws of this country have changed and a woman no longer sits by.” She further held that customary laws that discriminate between men and women violate principles of gender equality and human dignity protected by the Constitution and international law instruments ratified by Tanzania.

Tanzania: Mtefu v. Mtefu, Civil Appeal No. 214 of 2000, High Court of Tanzania at Dar Es Salaam, Jan. 20, 2003. Appellant husband argued that the trial court erred in granting the parties a divorce on grounds of his adultery and cruelty and in ordering the equal division of the marital property. Justice N. Kimaro upheld the decision of the trial court. She rejected the appellant’s argument that the respondent had consented to the adulterous affair and found that the appellant was cruel in his adultery and in having his wife arrested and detained when she protested the affair. Justice Kimaro also rejected the appellant’s argument that the respondent’s housework was a purely conjugal obligation that did not contribute to the marital property, explaining that such arguments are a “clear reflection of the violence and discrimination which a woman has lived with in the society for years” and that domestic services require recognition and compensation. She therefore held that the trial court’s equal division of marital property was proper and consistent with the equality provisions of the Tanzanian Constitution, the UDHR, and CEDAW.

The U.S. National Association of Women Judges invites members of the IAWJ to its 27th Annual Conference in Houston, Texas, October 19 to 23, 2005

For more information, please visit the NAWJ’s website:
www.nawj.org



IAWJ 2004 Contributors

The IAWJ would like to thank the generous individuals and organizations who made special financial contributions to the IAWJ for 2004.

Uganda: Bakojja v. Bakojja, Divorce Cause No. 11 of 1998, High Court of Uganda at Kampala, Feb. 25, 2000. The petitioner sought the payment of alimony from her husband upon their divorce. Judge Solemy Bossa cited the public policy rationale for alimony, as articulated by the Supreme Court of Louisiana, which posits that alimony is a way that the legislature distributes the societal obligation to support those in need. She also cited specific provisions of the Louisiana Civil Code, art. 112, which discusses alimony after divorce, noting that while those provisions are foreign and non-binding on the Ugandan courts, they were of universal application and applicable to the case before her. Judge Bossa found that the petitioner was entitled to alimony that would support her at a standard comparable with that of her position during marriage and not significantly less than her husband's lifestyle. Finding that the respondent spent seventy percent of his income to support his family, the judge ordered him contribute 10 percent of his regular income towards the petitioner as alimony, leaving 15 percent for his personal use and savings.

Uganda: Lub v. Lub, Divorce Case No. 47 of 1997, High Court of Uganda at Kampala, Apr. 28, 2000. Petitioner Monica Lub filed for divorce from Respondent Dirk Peter Lub, on grounds of adultery, cruelty, and desertion. The respondent did not contest the petition. Explaining that adultery may be inferred from circumstantial evidence, Judge S. Bossa credited the petitioner's testimony that the respondent had confessed to her that he had committed adultery with numerous women. She also found that the petitioner had subsequently encountered the respondent in Ethiopia living with another woman, at which point the respondent requested a divorce and put the petitioner up in a hotel for the duration of her stay. Finally, she acknowledged a letter from the respondent introduced into evidence which stated that the respondent had lost interest in the petition and wanted a divorce. The judge found sufficient evidence to prove each of the charges and granted the petition for divorce.

Uganda: Uganda v. Musoke, Criminal Session Case No. 94 of 2001, High Court of Uganda at Mukono, June 19, 2001. Defendant Magidu Musoke was indicted on charges of defilement, having unlawful sexual intercourse with a minor. Judge Yorokamu Bamwine held that the prosecution proved beyond a reasonable doubt that the accused victim was a minor, had sex with a man, and that the man was defendant Musoke. In finding that the defendant was the defiler, the judge relied on the testimony of the alleged victim and the testimony of a night watchman who heard the victim cry out and then found her holding the hand of the accused whose trousers were put on inside out, a condom and torn knickers at the scene. The judge noted that while corroboration of a complainant's testimony is necessary to prove defilement, circumstantial evidence implicating the accused may be sufficient to provide the required corroboration.

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