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Canadians spearheading Palestinian justice reform



Retired Supreme Court of Canada justice Claire L'Heureux-Dubé heads a team of justices travelling to the Middle East to educate members of the Palestinian judiciary on matters relating to human rights. It's part of an initiative by the University of Windsor, law professor Reem Bahdi, and the federal government. It is a key component of more than \$12 million in funding pledged by Prime Minister Paul Martin to Palestinian President Mahmoud Abbas in May.

Reem Bahdi says the project is not about imposing western values, but rather opening judges' eyes to new concepts. Along with L'Heureux-Dubé are two sitting members of the bench, Federal Court Justice Doug Campbell and Alberta Chief Justice Catherine Fraser.

Speaking for the three, L'Heureux-Dubé told Law Times her involvement in the project stems from her widespread participation in various human rights initiatives over the years in countries including South Africa, Australia, India, Pakistan, Eastern Europe, and Russia. She has also worked through judicial and human rights organizations such as Interights, Human Rights Watch, and the International Commission of Jurists.

"I am interested in the project because I am interested in international judicial education in human rights, whatever the country," she said. "Most countries have signed and ratified human rights covenants, protocols, and treaties but it is often lettre morte because the legal community in many of those countries is not familiar with them, nor with the jurisprudence which has developed around them."

As part of the Palestinian effort, she has already travelled to Ramallah in the West Bank and met her Palestinian judicial counterparts.

"It was a most interesting exchange on such issues as the death penalty, human dignity as the basis for human rights, [and] judicial independence as an essential component of justice."

The \$4.5-million project is spearheaded by Bahdi under the auspices of the Canadian Inter-national Development Agency (CIDA). Bahdi is strongly backed by the University of Windsor, which is establishing a reputation in human rights education for emerging democracies.

In the case of the Palestinian initiative, about 160 Palestinian judges over the next four years will meet Canadian counterparts to address issues related to discrimination and human rights. Much of that dialogue will take place in the Occupied Territories. But a handful of judges will make the trek to Windsor for "train the trainer" education.

Windsor law dean Bruce Elman said the university's effort stems from its "access to justice" philosophy, which, for more than 30 years, has seen the school promote law in service to the wider community, including minority groups and the disadvantaged.

"And given our position on the international border, we're a bit more internationally focused," he said. Windsor law offers joint LLB and Juris Doctor program with University of Detroit Mercy and has exchange programs with Mercy and Detroit's Wayne State University.

As L'Heureux-Dubé noted in the distinction between formal agreements and daily practice, Elman added that to produce "a truly effective democracy" democratic underpinnings are needed, "and the education of justice and independence of the judiciary are primary supports" for democracy.

The university has gone to some length hiring high-profile figures known for their commitment to human rights and for their international experience.

Michael Bell, who has spent three decades working in foreign affairs, including being Canadian ambassador to several Middle Eastern countries, will assume the university's new Paul Martin (Sr.) chair, shared with the political science department. And the university has hired Abdel Salem Sidahmed, formerly with Amnesty International in England, as scholar in Islamic law. Professor Sukanya Pillay, another hire, produced the recent documentary aired on the BBC and CBC Newsworld, Robbing Pedro to Pay Paul? about the effect of NAFTA on farmers in Oaxaca, Mexico.

Elman said even Bahdi's hiring was part of this effort.

She headed back to the West Bank in mid-July to continue preparatory work of "relationship-building, building trust and credibility." Bahdi, born in Amman, Jordan, with a law degree from the University of Toronto, said the project aims to promote human rights in "the heart" of the Middle East conflict — between Israel and the Palestinians. In February, a major conference at which the Canadian justices met their Palestinian counterparts was held at BirZeit University in the West Bank.

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Bahdi was adamant this is not an attempt to impose Western values. Rather it's simply "not something that all the judges within the Palestinian system have thought about."

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