



Training Programme for Lawyers on Convention Against Torture Claims and Refugee Law (25-26 & 28-29 January 2013)

Mark your diary for this comprehensive training programme by leading experts and experienced practitioners in refugee law and torture claims.

The Government has put in place a publicly-funded legal assistance scheme, the Convention Against Torture Scheme ("Scheme"), through the Duty Lawyer Service to claimants under The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT").

The Immigration (Amendment) Ordinance ("IAO") came into effect on 3 December 2012. The IAO amends the Immigration Ordinance to provide a statutory framework for determining claims made by persons in Hong Kong for protection under Article 3 of the CAT.

To prepare practitioners for the Scheme and update them on the latest developments on CAT, the Academy of Law ("Academy") is going to organise a training programme on CAT and Refugee Law ("Training Programme") in January 2013. The Academy is honoured to have invited leading experts in refugee and torture claims to present at this Training Programme.

The Training Programme will be organised on the basis of a series of half-day modules for 4 days at the charge of HK\$120 for each module. Those completing the full programme will be issued a certificate of completion by the Academy.

The Academy has scheduled a sharing session in the afternoon of 29 January 2013 for practitioners to share their experience in handling CAT claims. The sharing session will also discuss the judicial review decisions, including the case of *TK and Michael C Jenkins (CACV 286/2011, Judgment 21 November 2012)*, which is a statutory reminder of how the legal representative carries the responsibility of assisting in gathering evidence in support of the claim.

Eminent speakers of the programme include:

- **Professor Manfred Nowak**
Department of European
International and Comparative Law
University of Vienna, Austria
- **Mr. Rodger Haines QC**
Chairperson of the New Zealand
Human Rights Review Tribunal
- **Mr. Mark Daly**
Partner
Barnes & Daly
Hong Kong
- **Mr. Peter Barnes**
Partner
Barnes & Daly
Hong Kong
- **Dr. Philip Beh**
Associate Professor
Department of Pathology
The University of Hong Kong
- **Mr. Kenneth Chan**
Acting Deputy Chief Court Liaison
Officer
Duty Lawyer Service
Hong Kong
- **Mr. Philip Dykes S.C.**
Barrister-at-law
Dennis Chang Chambers
Hong Kong
- **Mr. Nigel Kat**
Barrister-at-law
Parkside Chambers
Hong Kong
- **Representative from the
United Nations High
Commissioner for Refugees**

Programme Details:

| Date | 25-26 & 28 January 2013 (Days 1 to 3) | 29 January 2013 (Day 4) |
|------------|---|--|
| Time | 9:30 am - 12:45 pm (morning Session) 2:00 pm - 5:15 pm (afternoon Session) | 9:30 am - 12:15 pm (morning Session) 1:30 pm - 5:15 pm (afternoon Session) |
| Venue | Joint Professional Centre, Unit 1, G/F, The Center, 99 Queen's Road Central, Hong Kong | Auditorium, Duke of Windsor Social Service Building, No. 15 Hennessy Road, Wanchai, Hong Kong |
| CPD Points | 3 CPD points per half-day session | 2.5 CPD points for the morning session 3.5 CPD points for the afternoon session |
| Fee | HK\$120 per half-day session | |
| Language | English | |

Programme Outline:

| Date | Morning Session 9:30 - 12:45 | | Afternoon Session 2:00 - 5:15 | |
|-------------------------------------|---|---------------------------------|---|--|
| Friday 25 January 2013 | Local refugee / CAT law and practice | Mr Peter Barnes Mr Mark Daly | Introduction to CAT | Professor Manfred Nowak |
| | Documenting medical evidence and overview of injury interpretation and its limitations | Dr Philip Beh | | |
| | Publicly-funded Legal Assistance Scheme for CAT Claimants | Mr Kenneth Chan | | |
| | Introduction to CAT | Professor Manfred Nowak | | |
| Saturday 26 January 2013 | An analysis of the various legal issues under Article 3 | Professor Manfred Nowak | An analysis of the various legal issues under Article 3 | Professor Manfred Nowak |
| | | | International Refugee Law | Mr. Rodger Haines QC |
| Monday 28 January 2013 | International Refugee Law | Mr Rodger Haines QC | International Refugee Law | Mr Rodger Haines QC |
| Date | Morning Session 9:30 - 12:15 | | Afternoon Session 1:30 - 5:15 | |
| Tuesday 29 January 2013 | International Refugee Law | Mr Rodger Haines QC | Sharing Session | Mr. Rodger Haines QC Mr. Peter Barnes Mr. Kenneth Chan Mr. Mark Daly Mr. Philip Dykes, SC Mr. Nigel Kat Representative from the UNHCR |

Profile of Speakers:

Professor Manfred Nowak, Department of European, International and Comparative Law, University of Vienna, Austria

Professor Manfred Nowak is Professor of International Law and Human Rights at Vienna University and Director of the Ludwig Boltzmann Institute of Human Rights. Of his various functions as international human rights expert, Manfred Nowak is Vice Chair of the Management Board of the EU Fundamental Rights Agency in Vienna and Rapporteur of an International Panel of Eminent Persons on Human Dignity. From 2004 to 2010 he was UN Special Rapporteur on Torture and from 1993 until 2006 UN Expert on Enforced Disappearances. Between 1996 and 2003 he also served as international judge at the Human Rights Court in Bosnia and Herzegovina established under the Dayton Peace Agreement. He has been professor at various European universities (Utrecht, Lund, Venice, Geneva) and is regularly teaching at different universities around the world. He is author of more than 500 academic publications in the field of international, constitutional and human rights law, including general textbooks on international human rights law and comprehensive commentaries on the International Covenant on Civil and Political Rights and the UN Convention against Torture. He holds a doctoral degree from Vienna University and an LLM from Columbia University in New York.

Profile of Speakers:

Mr. Rodger Haines QC, Chairperson of the New Zealand Human Rights Review Tribunal

Mr. Rodger Haines QC is a New Zealand Barrister and is currently Chairperson of the New Zealand Human Rights Review Tribunal. He was Deputy Chairperson of the New Zealand Refugee Status Appeals Authority from 1991 until its disestablishment in 2010 and wrote many of the Authority's principal decisions, several of which were later favourably referred to by the House of Lords and the UK Supreme Court.

From 1993 to 2012 he was Adjunct Lecturer in Law at the Faculty of Law, University of Auckland. In 2000 and 2003 he co-taught papers in Comparative Asylum Law with Professor James C Hathaway at The University of Michigan Law School, Ann Arbor. He participated in the first four colloquia on Challenges in International Law convened by the Programme in Refugee and Asylum Law, University of Michigan Law School. Those colloquia formulated the Michigan Guidelines on the internal protection alternative; causation; well-founded fear and protection elsewhere. In conjunction with the UNHCR he has conducted training workshops for refugee judges in Ottawa, Geneva, Cairo, Moscow, St Petersburg, Seoul, Sydney and Israel. He has also trained government officials in Fiji, Japan, New Zealand, Malaysia, Papua New Guinea, Sweden, and the Solomon Islands.

Mr. Haines QC is the author of the paper Gender-Related Persecution commissioned by the United Nations High Commissioner for Refugees as part of the UNHCR's Global Consultations on International Protection in the lead up to the 50th anniversary of the 1951 Convention relating to the Status of Refugees.

Mr. Mark Daly, Partner, Barnes & Daly, Hong Kong

Mr. Daly obtained a BSc in Cellular, Molecular and Microbial Biology from the University of Calgary in 1986, a law degree from Osgoode Hall Law School in Toronto in 1992 and an LLM in Human Rights from the University of Hong Kong in 2002.

Mr. Daly has represented the Hong Kong Human Rights Monitor before the United Nations Committee Against Torture in Geneva in 2000 and 2008, and as Amnesty International's representative, the trial in Kuala Lumpur, Malaysia, of former Deputy Prime Minister Anwar Ibrahim. He has spoken on refugee/CAT issues at the 2005 and 2009 Commonwealth Law Conferences, 2012 LawAsia Conference and the 2007 Southern Refugee Advocates Conference in Nairobi, Kenya. Mr. Daly also lectured on the legal position of asylum seekers in Hong Kong at the University of Hong Kong's 1st "Intensive Course on International Refugee Law" in 2006.

Mr. Peter Barnes, Partner, Barnes & Daly, Hong Kong

Mr. Barnes qualified with an LLB from the University of Adelaide, was admitted in South Australia in 1985 and practiced in Adelaide as a barrister and solicitor for a number of years before relocating to Hong Kong in 1993.

In addition to the firm's predominant areas, Mr. Barnes has also had an extensive practice in family law and held position of Chairman of the Hong Kong Family Law Association from 2003-2007. He is an Executive Council member of the Hong Kong Human Rights Monitor and is also a graduate of the University of Hong Kong (LLM (IT & IP) (Dist) (2008).

Dr. Philip Beh, Associate Professor, Department of Pathology, The University of Hong Kong

Dr. Philip S.L. Beh is currently an Associate Professor in Forensic Pathology at the Department of Pathology, The University of Hong Kong and a member of the Forensic Advisory Group of the International Committee of the Red Cross (ICRC). He has been working in the field of forensic medicine since 1982, obtaining his postgraduate training at Guy's and St. Thomas's, London. He has given expert evidence at all levels of Courts in Hong Kong in a variety of cases related to forensic medicine. He is an Associate Editor of the Journal of Forensic and Legal Medicine and is also on the editorial boards of several other forensic and medical journals. He has published papers on rape, homicides and suicides. He first got involved in the examination of asylum seekers at the request of the Hong Kong office of the UNHCR and now continues to do so for NGOs helping such applicants.

Mr. Philip Dykes S.C., Barrister-at-law, Dennis Chang Chambers

Mr. Philip Dykes was born in Warrington, Lancashire in 1953. He was educated at St. John Rigby Grammar School, Wigan and Lincoln College, Oxford University between 1972 and 1975 where he read English Language and Literature. He was called to the Bar in 1977 and practised on the Northern Circuit from the chambers of H.K. Goddard Q.C. in Manchester. He came to Hong Kong in 1985 and joined the Attorney General's Chambers. Between 1989 and 1991 he was an Assistant Solicitor General with special responsibilities for human rights and constitutional affairs. He left government service in 1991 and joined the chambers of Denis Chang, S.C. He took silk in 1997. He has served in the Hong Kong Bar Council for a number of years and was elected Vice-Chairman in 1999, 2000, 2003 & 2004 and Chairman in 2005 and 2006. He ceased to be Chairman in January 2007.

Profile of Speakers:

Mr. Nigel Kat, Barrister-at-law, Parkside Chambers

Mr. Nigel Kat was called to the Bar in London and in Hong Kong in 1977 and 1988 respectively. He was Crown and Senior Crown Counsel of the Hong Kong government from 1983 to 1988. He has conducted over 50 judicial reviews, mainly on the applicants' side, of which among the most notable is *FB v Director* [2009] 2 HKLRD 346 which set standards for the conduct of UNCAT determinations at first instance and on petition [review] under the previous, *ad hoc* regime. He is currently engaged on *ST v Betty Kwan*, HCAL 60 of 2012 which is to test the lawfulness of denying oral hearings on review.

Mr. Kenneth Chan, Acting Deputy Chief Court Liaison Officer, Duty Lawyer Service, Hong Kong

Mr. Kenneth S.K. Chan joined the Duty Lawyer Service ("DLS") (formerly "the Law Society Legal Advice and Duty Lawyer Scheme") in 1990. Originally, Mr. Chan was first posted as Court Liaison Officer at various magistracies. His duties include providing duty lawyer service to the eligible defendants in criminal cases; and coordinating with the Judiciary, the Legal Department, the Police/the ICAC/the Immigration Department and the assigned duty lawyers to ensure the smooth operation of the Duty Lawyer Scheme in all magistracies of HKSAR. Starting from December 2009, Mr. Chan was deployed to head the CAT Claim Office which provides legal service and representation to the claimants of torture claim under Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Being the first batch of officers deployed to this new scheme of DLS, he was responsible for setting up the new offices; formulating the relevant policies concerning the daily operation of the CAT scheme. At the beginning, there were only 7 members of staff working in the office. With the rapid growth of the scheme, the number of staff has dramatically increased to 49 at the moment -- an indicator of the very heavy workloads of this CAT office and the increased intake of the CAT cases. With the experience Mr. Chan gained from his work, he was promoted to act as a Deputy Chief Court Liaison Officer since 1 September 2012.

Supporting Organisations:



Funding Organisation:



THE GOVERNMENT OF THE HONG KONG
SPECIAL ADMINISTRATIVE REGION

Disclaimer:

Any opinions, findings, conclusions or recommendations expressed in this material / any event organized under this Project do not reflect the views of the Government of the Hong Kong Special Administrative Region or the Vetting Committee for the Professional Services Development Assistance Scheme

Enrolment Slip

Re: Training Programme for Lawyers on Convention Against Torture Claims and Refugee Law, 25-26 & 28-29 January 2013 (012513)
To: Hong Kong Academy of Law, 3rd Floor, Wing On House, 71 Des Voeux Road Central, Hong Kong (Attention: Mr. Isaac Yim / Ms. Lilian Tsui - Tel: 2846 0587/ 2846 0585)

I would like to attend (please tick as appropriate):

the Full Programme (HK \$960)

the course on the following date(s) (HK\$120 per half-day session):

Fri 25 Jan 13

am

pm

Sat 26 Jan 13

am

pm

Mon 28 Jan 13

am

pm

Tue 29 Jan 13

am

pm

I was admitted onto the Duty Lawyer Service's Panel of the CAT Scheme and would like to attend the afternoon session on Tuesday, 29 January 2013.

Name: Mr/Ms. _____
(full name as on identity card or practising certificate or trainee solicitor contract)

I have read and I accept the Enrolment Conditions attached to the course flyer.

Occupation: I am (please tick as appropriate)

Solicitor

a Trainee Solicitor

a Barrister

(others, please specify) : _____

Solicitor No: _____ Year of admission/call: _____ Trainee: First/ Second year
(if applicable) (if applicable) (if applicable)

Company/Firm: _____ Fax: _____

Address: _____

E-mail: _____ Tel: _____

I enclose a cheque made payable to "Hong Kong Academy of Law Limited" for \$ _____ in payment for the ticked course(s).

Enrolment Conditions

1. The course will be open to solicitors, trainee solicitors and barristers. The afternoon session on Day 4 of the training programme on 29 January 2013 is also open to those practitioners who are already on the Duty Lawyer Service's Panel of the CAT Scheme.
2. Priority will be given to those who enrol in the full 4-day training programme and those who did not attend the full 4-day training programme on 14-17 December 2009 and 3-4, 7-8 June 2010. For enrolments of the afternoon session on 29 January 2013 (save and except for enrolments of the full 4-day programme), priority will be given to those who are admitted onto the Duty Lawyer Service's Panel of the CAT Scheme. Otherwise, enrolments will be accepted on a first-come first-served basis.
3. Places cannot be reserved by facsimile. Registrations will only be accepted upon full payment of the course fee and receipt of the registration form.
4. Notice of cancellation of a booking must be given so that it reaches the Academy not less than seven (7) days before the date of the course and is subject to an administration fee. This fee is presently set at HK\$100. Cancellations received after this time will not be accepted - the registration fee will remain payable and shall under no circumstances be refunded. Registrations are transferable to another person at any time before commencement of the course provided that the Academy is notified in advance.
5. The Attendance and Bad Weather Policies will apply. Please enquire for further details.
6. The Hong Kong Academy of Law reserves the right to alter or cancel this course.
7. If the course becomes full and you wish to have your name entered onto the waiting list of this course, please complete the enrolment slip and return it to the Academy together with the payment of the appropriate course fee. You will be notified before the date of the course if we are able to offer you a place at the course. A registrant whose enrolment is unsuccessful will receive a refund of the appropriate course fee.