

# How to enforce human rights

M&A lawyer Martin Solc explains to **Nicholas Pettifer** the importance of balancing corporate law and promoting the Rule of Law

**M**artin Solc is an M&A partner in the Czech Republic. He is a busy man, but like many IBA members he understands the importance of balancing his workload with more charitable endeavours. Indeed, he has been involved with the IBA for almost 20 years and after a stint as chair of the PPI division, he is coming to the end of his two-year tenure as co-chair of the IBA's Human Rights Institute (IBAHRI).

Here, Solc reflects on the work he has overseen with Juan Méndez and looks forward to the IBAHRI sessions in Vancouver. In particular, he highlights the showcase session, which will take place today at 3pm. The session will examine the processes by which judges are appointed to the International Criminal Court and other international courts and tribunals.

## How did you become the co-chair of the IBAHRI?

I have been in the role almost two years. Before I started in this office I was chairing one of the two divisions of the IBA, the PPI – Public and Professional Interest. And even at that time, I was an *ex officio* member of the counsel of the IBAHRI and I therefore had a knowledge of and interest in its work. After I finished as the chair of the PPI, I was asked by Fernando Pilález-Pier the IBA President whether I would be willing to serve with Juan Méndez as co-chair. I said it would be a with great honour and pleasure.

## You are coming to the end of your term. What are the highlights?

It is very difficult to speak about highlights. What I admire with the IBAHRI is that there is a lot of good work. Not every piece of work is seen from the outside. Not each piece of work is released to the media. It is hard work for a very good cause. There are a lot of things around the globe that we are trying to influence and that's the fantastic thing about the IBAHRI. There are things that the IBA puts into the limelight, but they are not necessarily the most important or the only important things we are doing. We have to keep quiet about some things.

## So is there anything that you have been particularly proud of that hasn't received publicity?

It is hard to isolate only one or two examples that are visible. But as an example, the smallest area we work in is publications of the IBAHRI. During my time of office we have updated something called the Human Rights Manual. It is a loose leaf that we put together with the United Nations. When travelling around the world meeting the people who are dealing with human rights, you very often see that loose-leaf on their shelf. This is encouraging because it is something we have worked very hard to put together.

## Have you done similar publications in other areas?

We have now done similar things for attorneys in front of war crimes tribunals. We found out that there is a lot of theoretical writing involving war crimes, but no



practical day-to-day manuals. We thought this was something that was missing for practitioners. For the publications area, this is a great thing.

## What other IBAHRI activities do you believe are vital?

Turning to trial observations, I think we are the only non-governmental organisation that is continuously monitoring Mikhail Khodorkovsky's trial in Russia. [The jailed Russian oligarch was previously the head of Yukos and who is campaigning for Vladimir Putin to face him in court.] And that is a very long-standing process, lasting for a number of months. We have a day-to-day observer going to the court and writing a report, which will no doubt be of interest to many.

We've done a lot of capacity building work. IBAHRI assisted Afghan lawyers to set up their bar. There was nothing like that in Afghanistan before, so it was starting from scratch. We had someone on the spot for a number of months and they built up from where there had been nothing.

We have also done missions to various parts of the world. Just looking at the latest report, I see Kenya, Syria and West Africa. So there have been numerous missions to investigate the state of the Rule of Law in individual countries. Sometimes this can be in very complicated and complex countries.

Then there are interventional aspects of our work. We try to write intervention letters to presidents and prime ministers to try to put an argument forward for fair trials. We've also started a campaign against the death penalty around the globe. So we are regularly writing letters to heads of state. We constantly repeat our arguments to abolish the death penalty. But even if it is not completely abolished, we have tried to make sure that it has been reserved to a very few crimes.

## How is that campaign going?

You never know. You write letters and sometimes you are surprised because some of the governments respond in quite an elaborate way. They are trying to put together their argument. Some of them stay quiet and we have no possibility of getting a response. We hope that, step-by-step, we are helping things change in the attitude of governments regarding the death penalty.

## Is there anything else you do on that front?

Absolutely. Whether it is through informal publications, we are trying to participate in various educational programmes like the Westminster Consortium for Parliaments and Democracy. It is a project to help developing parliaments set up centres of learning as far as human rights are concerned. There is, for example, concern in Macedonia, Georgia, Uganda, Lebanon, and Mozambique. There we are trying to explain the concept of human rights and when we speak of human rights we should also mention the Rule of Law, because those concepts are very hard to separate when teaching the parliaments and organising governments.

## What sessions are you excited about this week?

The ICC judge appointment session today at 3pm is going to be a fantastic session. Let me give an example. There was a situation in which IBAHRI found itself a couple of years ago. We received complaints that a particular judge in one of the international courts had actually received a significant property from a government in relatively suspicious circumstances. We were trying to investigate into that and trying to make that particular court and its President aware that that situation had occurred. [The IBAHRI was concerned at the appointment of Zimbabwean Judge Elizabeth Gwaunza as an ad litem judge in the trial of General Gotovina. It raised these concerns with the President of the International Criminal Tribunal for the Former Yugoslavia Judge Fausto Pocar.]

This is just a picture of what can happen. And we used it as an inspiration for a session on the topic. How are these people elected? And are they the best people for the job?

## Do you have a role in the Rule of Law symposium?

Absolutely, and during the Rule of Law day we will be presenting the Human Rights Practitioner Award. This should add some excitement for those who are probably tired after four days of an exhausting conference!

## How long have you been involved with the IBA?

My first acquaintance with the IBA was in the beginning of the 1990s because of the change in my country. I became vice president and then president of the Czech Bar. Since then, I have been participating at all the IBA conferences. I have always had two lines of interest. One of them is my bread and butter, which is mergers and acquisitions. Then, something that seems to be, at first sight, incompatible with M&A and it is the rule of law and wider public and professional interest. I believe that one cannot exist without the other.

## You have been to Vancouver before. Is there anything you particularly recommend for the new traveller?

It is a place they will simply find amazing from both perspectives. Vancouver is a reasonable sized place, but not too big. So it's probably a more friendly host for the conference than some of the bigger cities. It will be more personable.