

Legal Wales Conference

7 October 2022

I. INTRODUCTION

Bore da pawb.

It is my great pleasure to welcome everybody to the 19th Conference of the Legal Wales Foundation.

After two years of manfully adapting to the new virtual world that was forced upon us by the Covid pandemic, it is very exciting to see us all, old friends and new, back in the Conference hall together.

The work carried out to adapt the 2020 and 2021 Conferences to the difficult circumstances of those times, ensured that the Conference remained a vital and ever-present part of the legal calendar of Wales.

We build upon that work today, and harness the technological steps taken during that time, by broadcasting the lion's share of today's Conference to more of us who are outside this Conference hall.

I know that some of those joining online would have dearly wished to join us in person today, but events conspired against them. Allowing them to follow the Conference online is a great facility and one which no doubt will remain an essential part of the Legal Wales Conference in the future. I thank all those who are joining us online today and hope that they enjoy the programme.

But it is especially sweet to be able to welcome people here, to this wonderful hall, in beautiful Llandudno – or the Naples of the North (as I have read it is known).

The Legal Wales Foundation exists, after all, to bring the different elements of the Welsh legal community together. Coming together – in a spirit of cymmrodoriaeth, or fellowship – is something that we have, of course, missed, but which we can gladly embrace again today.

Google translate tells me that cymmrodoriaeth can also mean comradeship, which is quite of this time, given that the use of the term 'comrade' has rather unexpectedly,

become fashionable in and around our Crown Courts of late. Leave that to one side though.

Today, we are all members of a fellowship. The fellowship of the law in Wales, and I for one, could not be prouder to be a member of that fellowship.

I am equally proud of the Conference programme, that our conference director Keith, has again put together for this year.

Following in the tradition of its 18 predecessors, the Conference again has another astonishing line up of speakers, with the breadth and scope of the topics covered wider than ever before.

Joining the ever-present favourites of Welsh public law, Welsh legal history, the Welsh language and the law, and the development of the Welsh jurisdiction, our coverage this year branches out to include environmental law, professional regulation, asylum law, access to justice, human rights law and even international criminal justice.

Our spirit of cymmrodoriaeth extends well beyond the physical and devolved borders of Wales.

I recognise though that those ever-present favourites quite rightly remain, and will continue to remain, at the core of what Legal Wales does.

I am delighted, therefore, to be able to start proceedings in earnest by introducing our first guest, the Counsel General and Minister for the Constitution in the Welsh Government.

Elected to the Senedd in 2011, the Counsel General is in his second term holding that office, having also been in the role in 2016-2017.

Amongst many other previous roles, responsibilities and honours, the Counsel General is a former trustee of the Welsh Refugee Council and in 2019 was awarded the Order of Merit of Ukraine, the land of his birth.

On access to justice, the Counsel General has recently welcomed the greater use of mediation across the justice system (although raised a note of caution in relation to its compulsory use) and he supported the establishment of the new Pro Bono Committee for Wales.

In relation to environmental matters, the Counsel General tweeted recently that "Wales' historic environment law is largely based on decades-old Westminster statutes. Turning a confusing jumble of amended provisions into one, modern bilingual Act is our first project in an ambitious programme to improve the accessibility of Welsh law".

To touch perhaps on some of those matters, and undoubtedly more, please welcome the Counsel General and Minister for the Constitution in the Welsh Government, and Member of the Senedd, Mr Mick Antoniw.

II. SIR HOWARD MORRISON KCMG CBE KC

It is a tremendous honour to introduce our next speaker, Sir Howard Morrison KCMG CBE KC.

A keen rugby player at University, such that he allegedly spent more time on the pitch than in the law library, Sir Howard was nevertheless called to the Bar by Grays Inn in 1977, taking Silk in 2001. Sir Howard's practice at the Bar ranged from the Midland and Oxford Circuit to the UN International Criminal Tribunal for the Former Yugoslavia in The Hague and the UN International Criminal Tribunal for Rwanda in Tanzania, with spells in Fiji, Tuvalu and Anguilla as Chief Magistrate, Senior Magistrate and Attorney General respectively.

His actions during the course of a coup in Fiji, including speaking to the leaders in the street to calm matters, deservedly led to an OBE in 1986.

By 2004, Sir Howard was appointed Circuit Judge and he was awarded the CBE in 2007 for services to international law.

In 2009 he was appointed by the UN Secretary General as judge for the Special Tribunal for the Lebanon, but his term was cut short when he was made a Permanent Judge of the UNICTY. In the ICTY, Sir Howard sat for five years on the trial of Radovan Karadzic, the Bosnian Serb leader who was indicted for genocide in Srebrenica in July 1995.

On 24 March 2016, Sir Howard and his brother Judges convicted Karadzic genocide related to for the [Srebrenica massacre](#). He was also convicted of persecution, extermination, deportation and forcible transfer ([ethnic cleansing](#)), and murder in connection with his campaign to drive Bosnian Muslims and Croats out of villages claimed by Serb forces. He avoided conviction on a second count of genocide in seven Bosnian towns but was found guilty in that case on a reduced charge of extermination.^[13] sentenced to 40 years

On 27 February 2018, it was announced by the Mechanism for International Criminal Tribunals that hearings for the appeal against the conviction were set on 23 April 2018.^[89] The appeal was rejected on 20 March 2019, and the sentence was increased to [life imprisonment](#).^[15] On 12 May 2021, it was announced that, with the agreement of the UK authorities, he would serve the rest of his sentence in a UK prison.^[16]

During his time at the ICTY, Sir Howard gave a renowned and fierce dissenting judgment in the case of *Lukic*. The reliance that his four brother Judges in the Appeals Chamber placed on hearsay in upholding the conviction of Sredoje Lukic prompted Sir Howard to remark:

“Never before has hearsay evidence with so little by way of substantive indicia of reliability been accepted as reliable, and the Majority’s conclusion, as well as its failure to explain its significant divergence from historic jurisprudence in this regard is, with respect, unfathomable”.

Subsequently elected in December 2011 as the UK Judge to the International Criminal Court, Sir Howard began his term at the ICC following the conclusion of the Karadzic trial in the ICTY. He was also knighted for services to international justice and the rule of law. His mandate at the ICC ended on 31 March 2021 by which time he was the President of the Appeals Division.

The day before (30 March 2021) Sir Howard read his last Judgment confirming the convictions and 30 year sentence of Bosco Ntaganda, a high level member of the Union des Patriotes Congolais and its military wing, in relation to five counts of crimes against humanity (murder and attempted murder, rape, sexual slavery, persecution, forcible transfer and deportation) and thirteen counts of war crimes (murder and attempted murder, intentionally directing attacks against civilians, rape, sexual slavery, pillage, ordering the displacement of the civilian population, conscripting and enlisting children under the age of 15 years into an armed group and using them to participate actively in hostilities, intentionally directing attacks against protected objects, and destroying the adversary’s property).

Sir Howard was made a Senior Fellow of the Lauterpacht Centre for International Law, Cambridge University in 2013 and he has lectured extensively at universities and institutions across the globe.

In 2005-2006, Sir Howard was asked by the then Lord Chancellor, Lord Falconer to act as an independent adviser to the judiciary in newly-liberated Iraq. Initially agreeing to a three-month stint, and despite the continuous gunfire which still raged in the streets of Baghdad at that time, Sir Howard stayed in fact for 12 months.

Most recently, Sir Howard was appointed by the previous Attorney General as the UK advisor on war crimes to the Ukrainian Prosecutor General.

Please give a very warm reception to Sir Howard Morrison KCMG CBE KC.