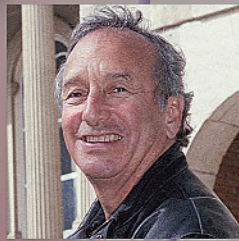


ONTARIO LAWYERS GAZETTE

LA REVUE DES JURISTES DE L'ONTARIO

DEFENDING *Human Rights*



The Law Society of
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Lawyers' Rights Watch Canada

Promoting human rights by protecting those who defend them

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Those of us who practice law in safe environments such as Canada owe a duty to those who risk not only their freedom but also their lives in order to protect their clients' rights.
Gail Davidson, LRWC Founder

Lawyers Rights Watch Canada (LRWC) is a committee of Canadian lawyers who promote human rights and the rule of law by providing support internationally to human rights defenders in danger. LRWC promotes the implementation and enforcement of **international standards** designed to protect the independence and security of human rights defenders around the world.

From the Editor's Desk

There has been a continuing focus within the profession on access to justice issues, both here in Ontario and abroad. In recent months there has been increasing emphasis particularly on the issue of human rights.

In past issues, the *Ontario Lawyers Gazette* has profiled the work of groups such as the Association in Defense of the Wrongly Convicted (AIDWYC) and calls from governments and legal organizations urging lawyers and firms to help communities and individuals in need of legal services. Many lawyers continue to step forward, to help provide access to justice in situations where clients otherwise might not have been able to access it. But what happens when lawyers step forward to defend clients and, in so doing, risk harm to themselves?

In this issue, we put the spotlight on **LRWC – Lawyers' Rights Watch Canada** – and the work its members do to defend those lawyers who, through their work for clients and the defence of human rights internationally, find their careers, freedom and – in some instances – their lives in danger.

Legal rights group fights against abuse of lawyers

OTTAWA LAWYER MAUREEN WEBB IS NO SLOUCH WHEN IT COMES TO HUMAN RIGHTS. THROUGHOUT MOST OF HER 14-YEAR LEGAL CAREER, WEBB HAS BEEN FIGHTING IN SOME CAPACITY TO ADVANCE HUMAN RIGHTS.

It started with volunteer work during law school in Toronto at a Spanish-speaking clinic and carried on at Gowling's Toronto office, where she practised labour law

and was involved in a number of constitutional law skirmishes over issues such as freedom of association.

Her interest in human rights has led to her current job as counsel to the Canadian Association of University Teachers. She's also found time to complete a fellowship at the Human Rights Institute at Columbia Law School in New York.

But it's her work with **Lawyers' Rights Watch Canada (LRWC)**, a little-known human rights organization, where her contribution could have the biggest impact.

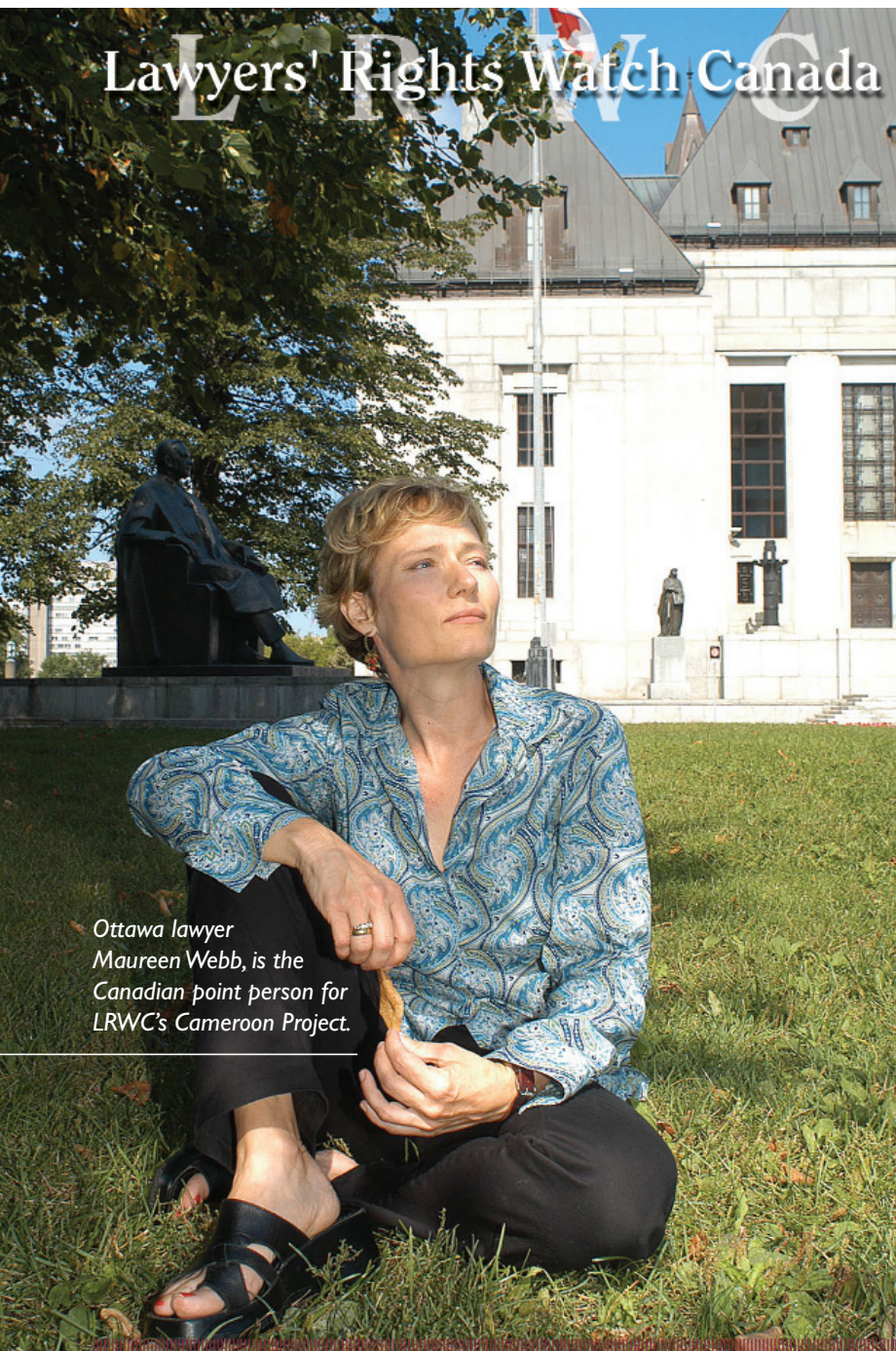
That's because Webb is the Canadian point person for the Cameroon Project, a joint initiative among the LRWC, the Bar Human Rights Committee of England and Wales and the International Criminal Defence Attorneys Association.

The project's objective is to bring human rights training and advocacy skills training to lawyers in the former French and British colony that borders Nigeria in West Africa.

Cameroon is a nation of 16-million people and almost all of its citizens live below the poverty line. Amnesty International has cited Cameroon for "a blatant disregard for human rights."

Webb says one of the problems Cameroon faces is that it has both civil and common law aspects to its justice system. "That exacerbates the problem of enforcing human rights in the country because you've got this great divide between the two Bars. You don't have a unified criminal code. So the challenge of doing this kind of training in Cameroon is bridging the gap."

"Canada is uniquely situated because it has both a civil code and a common law system. There's lots of talent here," she says, noting that



Ottawa lawyer Maureen Webb, is the Canadian point person for LRWC's Cameroon Project.

Vancouver lawyer Gail Davidson founded LRWC in 2000. As its Volunteer Executive Director, she aims to grow its membership and resources to take on more projects around the world.

the goal is to recruit three high-profile, bilingual lawyers who will be able to travel to Cameroon and deliver the skills training on a pro bono basis.

The project recently received £60,000 in funding from a British government arm for the weeklong session and Webb has identified a short list of candidates.

“With trainers of international stature, like those Canada has to offer, we can really influence the legal community there. We’re trying to target not only practitioners who might act as human rights defenders, but also the judiciary, prison officials, academics, government lawyers and politicians.” They plan to time the event with the sitting of the National Assembly, hoping to grab the attention of politicians and the media.

That’s only one of the tasks that the LRWC, a national organization of about 160 Canadian lawyers, has underway. The Vancouver-based organization is the brainchild of B.C. lawyer Gail Davidson and the LRWC’s Volunteer Executive Director.

Launched in 2000, LRWC is dedicated to promoting and protecting the rule of law and the independence of the Bar around the world and lobbying for the implementation and enforcement of related human rights standards, explains Davidson.

“A key objective is promoting human rights internationally by protecting lawyers and other human rights defenders who too often risk not only their freedom but also their lives in order to protect their clients’ rights,” says Davidson.

The idea for LRWC came after Davidson undertook some volunteer

trial observation work for Amnesty International in Malaysia, at the trial of Anwar Ibrahim, the country’s former deputy prime minister. An appeal court recently overturned the conviction. Ibrahim claims the charges were trumped up after a falling out with the country’s former leader.

“I was quite alarmed at the situation of defence lawyers in Malaysia,” Davidson says. “In a politically sensitive case, conducting a defence that was vigorous enough to be potentially effective could result in the lawyer being jailed.”

That’s when she realized “Advocacy rights are key. Without adequate independence and security safeguards, the right to representation is just window dressing and in such a climate there are no rights, only privileges.”

Davidson, a family lawyer, has long had an interest in human rights, but like many lawyers, her busy practice prevented her from getting too involved. “The most I could ever do on the human rights scene was write a cheque. I had a really strong desire to do something internationally, but no time.”

After thinking more about her Malaysian experience, she concluded, “I knew there were a lot of very skilled Canadian jurists eager to contribute to human rights internationally if they had the opportunity.”

So she started contacting people she knew and eventually cobbled together a high-profile board of directors and launched LRWC as a non-profit organization. It relies on volunteers and the membership comprises lawyers, law professors



and law students. The organization operates its own Web site at: www.lrwc.org.

"We don't have any money. The only money we have is from membership fees and donations." Despite that, it's been able to accomplish a lot in its short life.

Davidson says the organization focuses on four areas:

- Conducting campaigns in support of lawyers and other human rights defenders who face imprisonment, intimidation or other abuses because of their advocacy;
- Researching and analyzing the mechanisms used to perpetrate those

abuses, with particular reference to international human rights law and principles;

- Co-operating with other human rights organizations to develop and enforce the advocacy rights of human rights defenders around the world; and
- Engaging in public education and law reform initiatives in the area of international human rights.

'Letters for Lawyers' campaign

LRWC carries out its mission through a number of initiatives. One is the 'Letters for Lawyers' campaign, an approach similar to that Amnesty International takes for human rights



Victoria lawyer Catherine Morris is active in LRWC's Letters for Lawyers campaign.

abuses. LRWC receives bulletins from various organizations and individuals from around the world about advocates who are in danger.

Sierra Leone library comes back to life

When Ogilvy Renault merged with Meighen Demers in 2001, it resulted in the firm having two office spaces and two libraries in Toronto.

That was fine until the firm moved into one location and had to combine its library, says Ava Yaskiel, co-managing partner of the Toronto office. "The librarians found lots of duplication."

The firm was looking to take advantage of technology and move to electronic rather than print materials where possible, which meant paring back on books.

Yaskiel says the question became what should the firm do with all the excess materials? The firm could donate it locally or try to sell it to a firm that was expanding out its library.

That's when the librarians came across a notice on the Web site of Lawyers' Rights Watch Canada (LRWC). LRWC, in partnership with the Bar Human Rights Committee of England and Wales, is seeking donations of books and legal materials in an effort to help war-ravaged Sierra Leone rebuild its law library, which had burned down. (**Visit www.lrwc.org for more information.**)

The answer became simple, says Yaskiel. "Rather than giving it away locally or selling it, we could be addressing an important need somewhere else in the world."

"We got in touch with LRWC and shipped almost 100 boxes of books at 40-lbs a box," she says – almost two tonnes.

The firm paid to have the materials shipped to LRWC's Vancouver office. It included materials like the English Law Reports, the Dominion Law Reports and the Supreme Court of Canada Reports, as well as digests and assorted legal tomes.

"We were very pleased to respond to LRWC's request. I don't think anything could match up to this opportunity," says Yaskiel.

Responding to a need

The LRWC is a national, non-profit organization whose mission is to aid human rights advocates in foreign countries, explains Gail Davidson, LRWC founder and Volunteer Executive Director. That includes undertaking projects to help train human rights lawyers and advocates.

Between 1991 and 2002 Sierra Leone, a West African country, endured a civil war between the government and the Revolutionary United Front. It resulted in thousands of deaths and more than two million people were displaced – about one-third of the population.

During the fighting, the courthouse library in Freetown, the country's capital, was destroyed. Most other public and private collections of books in the common law country were also destroyed, leaving lawyers and human rights advocates with few resources.

In an effort to rebuild it, Vancouver lawyer Monique Pongracic-Speier, Project Manager of LRWC's Sierra Leone Library Project, canvassed Canadian lawyers

The information is provided to the letters committee and its members craft responses, which are addressed to specific government officials and copied to interested groups and individuals. The letters point out how the treatment of the advocate violates various legal obligations that the offending country has agreed to uphold, such as United Nations treaties, and calls upon the offending country to remedy the situation or take steps to protect the advocate.

In the past 18 months, the association has written letters on behalf of more than 180 advocates in 20 countries – places like Guatemala, Nepal, Sudan and even Canada. The

Canadian cases involve Cameron Ward, a Vancouver lawyer who was arrested in a case of mistaken identity after attending a public event in British Columbia, and Rocco Galati, a Toronto lawyer who resigned from a case after receiving a death threat for representing a Canadian man suspected of terrorist links.

Catherine Morris is a Victoria, B.C., lawyer who has been active in the letters campaign, recently writing the Sudan government about Mr. Salih Mahmoud Osman, a lawyer and human rights defender involved with the Sudan Organization Against Torture network. Mr. Osman, says Morris, has been detained without charges since

February 2004. He provided legal aid for those facing capital punishment and human rights abuses.

Morris says the Sudan government recently responded to LRWC's letters, alleging that Mr. Osman had been involved in "activities aiming to support the rebellion movement in Darfur", but provided no information about the nature of the alleged activities and no indication of charges or court proceedings. LRWC has also written the Sudan government about the general human rights situation in Darfur.

Morris is an ADR expert who has done work in Cambodia on conflict resolution and peace building. She says her work there has made her



and publishers for donations and received positive responses.

In addition to Ogilvy Renault, contributions to date include:

- Textbooks and studies by the Law Reform Commission of Canada from the Ontario Superior Courts;
- Criminal textbooks from Canada Law Book;
- Administrative law books, U.S. Supreme Court Reports and textbooks from Fraser, Milner Casgrain LLP;
- Human rights court reports and related materials from Blake Cassels & Graydon LLP;
- Sentencing and contract textbooks from Fasken Martineau DuMoulin; and,
- A range of textbooks and manuals from continuing legal education of British Columbia.

A number of individuals also provided materials and to date

LRWC has received more than 6,000 lbs of books.

Now LRWC needs money to ship and shelve the books in Freetown and send an LRWC representative to Sierra Leone, which is expected to cost about \$10,000.

So LRWC has launched the '100 for 100 program'. It is seeking 100 lawyers to donate \$100 each. All donations are tax deductible and donors receive a tax receipt.

"We have made a little dent. So far we've collected about \$2,000 but we need more funding," says Davidson.

"It's an important period for human rights implementation in Africa," Davidson notes. "We're excited to see Canadian and African jurists forming links that will foster resource sharing, promote education exchanges and strengthen human rights advocacy."

◀ From left to right: From Ogilvy Renault's Toronto office, Erica Anderson, Reference Librarian, Karen Cohen, Head Librarian and Ava Yaskiel, Co-managing Partner.

“aware of how important lawyers are in a society, especially societies in conflict and where there are lots of human rights abuses going on.”

When lawyers are being arrested or threatened for advocating on behalf of clients, Morris says, it “puts the human rights of the whole society at risk. If I can’t get a lawyer, or lawyers can’t represent people without being threatened, then the human rights situation is really bad.”

As part of the letters campaign, she says there’s some reading time involved for lawyers to familiarize themselves with a country. But it requires “minimal research” since the

bulletins include facts about the lawyer’s plight, and information about the conventions and treaties that the countries have signed is easily accessed. “It doesn’t take that long to draft a letter and stand over the fax machine,” says Morris, adding that she does about one letter a month.

The letters campaign could also involve writing Canadian government officials to make them aware of lawyers who are threatened in countries with which Canada has relations.

Just how effective letter campaigns are is hard to measure, says Morris. “You don’t know what would have happened if 100 different people didn’t send a letter.”

Morris says that over time the LRWC has been getting more responses from governments, though they are often non-committal on the topic. But, she adds, “It’s not so much whether it’s effective or not. As a lawyer, there are some things about which I can’t remain silent.”

Monitors assigned to specific countries

Morris is also what’s known in LRWC parlance as a country monitor and is responsible for Nepal and Sudan. She receives bulletins about abuses in those countries involving human rights advocates and oversees the letter

writing campaign for her regions. A country monitor also provides LRWC with recommendations and advice for initiatives with a specific country.

Paul Copeland, a Toronto defence lawyer and benchler with the Law Society of Upper Canada, is an LRWC Director and the monitor for Burma, a country run by a military junta.

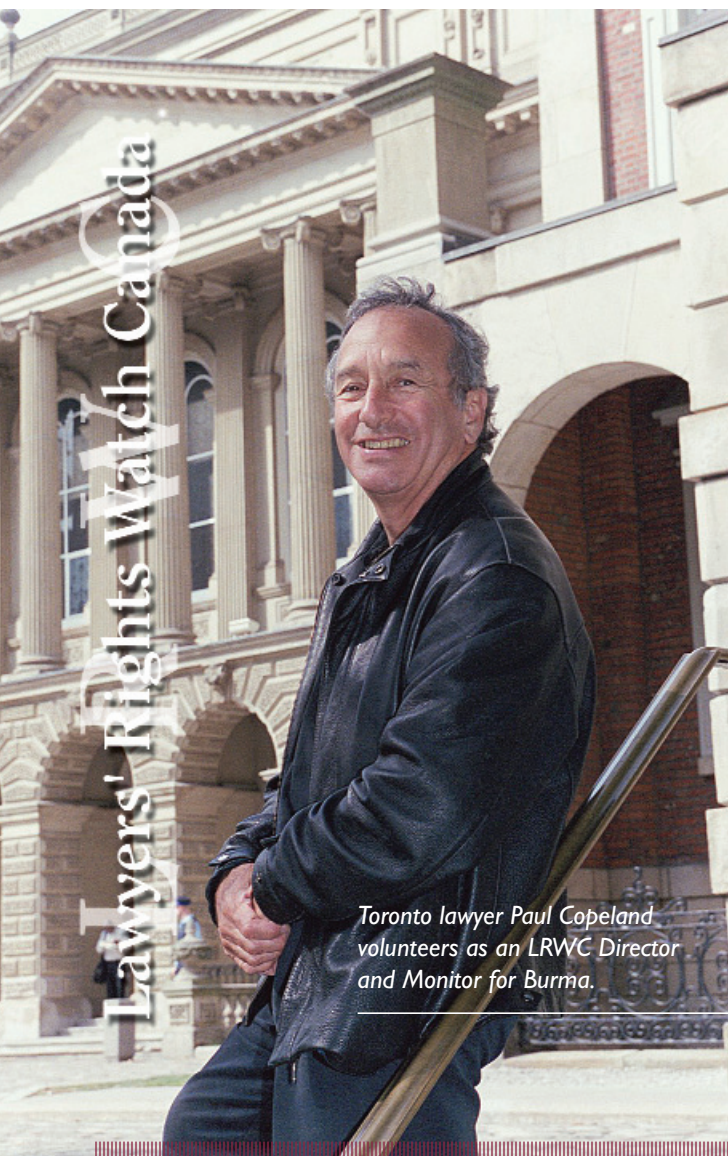
“I’ve been doing work with the Burma democracy movement since 1989,” says Copeland, who handles a number of refugee cases from Burmese citizens seeking refuge in Canada.

He became involved in LRWC after Davidson contacted him in 2000 and is also involved in the organization’s charitable wing. His interest in Burma was piqued while on a trek in Thailand, where he met a Burmese citizen. “We pumped the guy with a million questions. It was very informative.” He raised some money for a movement to restore democracy to the country and has been involved in Burmese politics ever since.

“There is no independence (there). The military dictatorship abolished *habeas corpus* a long time ago. It’s a horrible judicial system,” continues Copeland.

He says the work of LRWC is critical. “There aren’t organizations that have focused on lawyers and the judiciary as a group that needs protection. There are a number of countries where it’s necessary.”

One of the more aggressive tactics that the LRWC uses is actual court monitoring of trials within a country. Howard Rubin, a Vancouver lawyer, was one of the first to engage in such monitoring. He traveled to Singapore for the trial of Joshua Benjamin Jeyaretnam, a lawyer, former judge and opposition politician.



Toronto lawyer Paul Copeland volunteers as an LRWC Director and Monitor for Burma.



Lawyers' Rights Watch Canada

Pictured are several volunteers with LRWC. From left to right: Dagmar Dlab (Women's Rights Monitor); Robert Gourlay, Q.C. (Zimbabwe Monitor); Monique Pongracic-Speier (Sierra Leone Library Project Manager and Mexico Monitor); Brenda Wemp (Guatemala Monitor); Gail Davidson (LRWC Executive Director); James Tate (Latin America Committee); and, Richard Fowler (Malaysia Monitor).

Jeyaretnam has had a number of brushes with Singapore's legal system; at one point he was convicted of a criminal offence that led to his disbarment. The British Privy Council called the proceedings a "serious miscarriage of justice" and he was reinstated.

He would later be sued for defamation a number of times over his political comments. Bankrupt as a result of the court awards, he was barred from running in the 2001 election and resigned as leader of an opposition party.

Rubin sat in on two of Jeyaretnam's appeals and authored a report on the use of defamation suits in Singapore to restrict political expression. Rubin notes that the media reported on the presence of foreign lawyers and their concern about the case. He believes it prompts the courts to be "more open in their analysis or criticism of

government." Rubin's report formed the basis of the March 2002 Interparliamentary Union resolution that affirmed Jeyaretnam's allegedly defamatory comments as a legitimate exercise of free speech.

The LRWC's contributions are recognized by other human rights organizations. Margaret John, who is a co-ordinator for Malaysia and Singapore for Amnesty Canada, says that the work the LRWC does dovetails nicely with organizations such as hers, "because it highlights the abuse."

"First of all, you have to highlight abuse. After that, people become concerned and will work to alleviate that problem. It takes a lawyer's mind to understand all the intricacies of the law, particularly in cases of political critics being charged."

Jennifer Geen, a project co-ordinator for the Bar Human Rights Committee of England and Wales, welcomes the

Canadian contribution. "They seem to be extraordinarily committed," says Geen whose organization is working with the LRWC on the Cameroon Project.

She says she finds it easier to relate to Canadian lawyers who are often more direct than lawyers from some of the countries with which her organization works.

She praises the work of Davidson in organizing LRWC and says it is advancing the cause of human rights globally. What helps the most, says Geen, is "the support of and the recognition that international human rights law transcends geopolitical boundaries."

The fact that Canada has a common and civil law history is particularly appealing for work in African countries, she notes. "There's a lot of potential."

Davidson hopes so. She's now on a mission to grow the organization and raise more money so that it can take on

more projects, such as the Sierra Leone Library Project (see pages 8-9), which involves helping rebuild the law library that was burned down during civil strife in that country.

There are a couple of things on her wish list.

For example, to grow and keep up with the expertise of the lawyers who have joined the organization, Davidson needs to build more of an infrastructure, which means paying for administrative help.

As well, LRWC could use more members – lawyers, students and academics, to:

- Monitor abuses against advocates

- Lobby governments and international bodies for action and reform
- Write analyses
- Prepare reform proposals
- Manage projects and campaigns
- Develop infrastructure
- Conduct in-country investigations
- Monitor trials and cases before international tribunals
- Foster cooperation and collaboration with other legal and human rights organizations.

Davidson would also like to see the organization engage in more legal research. To that end, she's hoping to

recruit more law professors and law students. "Incisive legal writing is a powerful tool for human rights enforcement. This is an area where LRWC has made and can make a unique contribution. We need to do more of it."

As well, experience in appearing before international human rights tribunals is also a requirement on her priority list.

LRWC's 'advocates for advocates' work, says Davidson, is "tremendously important. Rights enforcement can't happen without reliable access to representation by advocates who are free to act vigorously without fear of reprisals." ■

Lawyers' Rights Watch Canada: Campaign needs

Lawyers' Rights Watch Canada (LRWC) is funded entirely through fees and donations from members, is staffed by a team of dedicated volunteers and relies on donations of time and expertise to mount campaigns. To continue to effectively campaign on behalf of human rights defenders, LRWC relies on the generosity of donors. Current LRWC needs include:

\$100 FROM 100 LAWYERS

- LRWC needs to raise \$10,000 to ship 6,000 lbs of law books from Canadian donors and to send an LRWC representative to Sierra Leone. The books will restock the Freetown law library destroyed during civil war and contribute to the new library serving the UN-mandated Sierra Leone Special Court.

PEOPLE

- Trial and security monitors
- Legal researchers and legal writers
- Project managers
- Country and region monitors
- Fundraisers
- Networkers to liaise with legal and human rights groups
- Investigators
- Thinkers

TRAVEL

- Airline points and award tickets

MONEY TO FUND

- Campaign travel
- Legal research
- In-country investigations
- Coalition building
- Office administration
- Publication and distribution
- Education

How to contact LRWC

To make a donation or obtain more information, contact LRWC by e-mail at: lrwc@lrwc.org, by telephone at (604) 738-0338, by fax at (604) 736-1175, or mail to: 3220 West 13th Avenue, Vancouver, British Columbia, V6K 2V5. LRWC also accepts donations by VISA and donations are tax deductible.

Learn more about Lawyers' Rights Watch Canada online at: www.lrwc.org