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# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

## LRWC ANNUAL REPORT 2012

(April 1, 2011 to March 31, 2012)

*"Promoting human rights by protecting those who defend them."*

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### MISSION

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers dedicated to promoting the rule of law and human rights internationally by:

- Campaigning for jurists and other advocates whose rights, safety, or independence are threatened because of their human rights advocacy.
- Producing legal analyses of national and international laws and standards relevant to advocacy rights and the rule of law.
- Working in cooperation with other human rights organizations.
- Engaging in legal education and law reform in areas related to the rule of law and advocacy rights.

LRWC and LRW(Legal Research)C are non-profit societies incorporated under the *Canada Corporations Act*. LRW(Legal Research)C engages in legal research and education and has charitable tax status.

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## Message from the Executive Director

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Attacks on lawyers and other human rights defenders intensified with governments around the world utilizing a variety of measures to stifle and criminalize dissent. Corporations were also involved in actions to prevent and punish opposition to commercial projects involving the usurpation of community lands and resources.

LRWC made significant contributions to protecting advocacy rights and promoting rule of law safeguards around the world. In the areas of advocacy, legal research, investigations, and education LRWC worked in collaboration with other NGOs as a leader, partner, and supporting contributor. LRWC communications identifying rights violations and remedies were provided to the United Nations Human Rights Council, UN treaty monitoring bodies, the Inter-American Commission of Human Rights, governments, and other NGOs. Legal research on critical issues remained a central part of LRWC work, as did providing much needed education on poorly understood international human rights laws and standards. Education was provided through publications, videos, free public talks, and events parallel to sessions of the UN Human Rights Council.

LRWC advocated for the remediation of attacks on jurists and other human rights defenders who were victims of: arbitrary arrest; illegal surveillance; attempted murder; disappearance; torture; murder (one judge, three environmental activists, and one lawyer); denial of due process; malicious prosecution; unlawful interrogation; public vilification; death threats; unfair disciplinary proceedings; lengthy sentences on trumped up charges; and unlawful raids.

Success was achieved in some cases and advanced in others: a lawyer released in Syria; a lawyer released and pardoned in The Gambia; three lawyers located and released in China; a faulty draft law on NGOs withdrawn in Cambodia; a resolution on accountability in Sri Lanka passed by the Human Rights Council; LRWC recommendations adopted by treaty monitoring bodies (CERD and CAT).

Work towards remediation of ongoing issues of concern included: a 5-part series of free public talks on 'First Nations Rights: the Gap between law and Practice'; follow-up on the right to legal aid funded counsel; research on the need for international human rights education and training; ongoing reporting on the Baltasar Garzón and Omar Khadr cases; in-country human rights investigations in Cambodia and Thailand; and another NGO discussion on combating impunity. LRWC filed an *amicus curiae* brief with the Inter-American Commission of Human Rights on equality and non-discrimination rights and participated in all three sessions of the UN Human Rights Council.

Earlier work on the right to legal aid funded counsel was followed up by advocating for legal funded counsel for groups with standing before the Missing Women Commission of Inquiry through letters, an op-ed, and a joint report submitted jointly by LRWC and the BC CEDAW Group to the UN Committee on the Elimination of Racial Discrimination. As with other years, LRWC continued to work with many other human rights organizations.

All LRWC work was done by members on a volunteer basis and most of the travel by LRWC members was self-funded.

## Country Monitoring

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### Cambodia

LRWC monitor Catherine Morris focused on the situation of human rights defenders, drafts of the Law on Association and Non-Government Organizations (NGO law), and building relationships with other groups involved with human rights issues in Cambodia.

In response to various drafts of the NGO law, which potentially threatened to restrict human rights advocacy and education by restricting freedoms of expression, association, and assembly, LRWC sent five communications to Cambodian authorities (letters dated [April 8, 2011](#), [May 31, 2011](#), [September 9, 2011](#), [November 17, 2011](#), and [December 21, 2011](#)). Each of these communications, which were produced jointly by LRWC and the Centre for Law and Democracy (CLD), identified and made recommendations on provisions of the drafts of the NGO law there were not in compliance with internationally protected advocacy rights. NGOs, including LRWC and CLD, joined in a [December 22 press release](#) calling for the fourth draft of the NGO law to be revised or abandoned. These and other communications from other NGOs were successful. On December 28, Prime Minister Hun Sen announced that discussions with civil society would continue until there was consensus about the NGO law.

LRWC [expressed concern](#) over the rising number of attacks by government officials against human rights defenders, particularly those defending land rights. Ms. Morris visited Cambodia during October to discuss with human rights workers their priority concerns for protection of human rights defenders. The main concerns identified were curbs on freedom of expression and assembly, particularly of human rights defenders and community leaders involved in initiatives to protect community land rights and prevent forcible evictions. Ms. Morris's October 2011 [Cambodia Report](#) recognizes that the main forms of abuse of human rights defenders stem from judicial and administrative harassment, as well as from legislative assaults facilitated by a judiciary that is subject to interference by Cambodian authorities in cases they consider important. Penal code proscriptions against defamation/criminal insult, incitement to commit a crime, and incitement not leading to a crime were cited as being of particular concern. Judicial harassment took the form of summary conviction and sentencing of human rights defenders. Administrative harassment took the form of actual or threatened suspension of NGOs engaged in human rights activism, particularly in support of people opposing corporate take-over of community lands and associated resources.

### Sri Lanka

**Sri Lanka war crimes resolution campaign:** LRWC expanded its work relating to Sri Lanka following the end of the war in May 2009. Since that time, Sri Lanka monitors, Harini Sivalingam and Gary Anandasangaree, assisted by Vani Selvarajah, have worked extensively with NGOs and others to hold the parties to the Sri Lankan conflict to account. The Sri Lanka monitors attended all three sessions of the UN Human Rights Council to address issues related to ongoing human rights violations in Sri Lanka and need to combat impunity. They also wrote letters and made oral presentations to Council and met with representatives of NGOs, states, and UN agencies. The Human Rights Council finally passed a resolution – *Promoting Reconciliation and Accountability in Sri Lanka*, A/HRC/19/L.2 – at the 19<sup>th</sup> session. The

resolution calls on Sri Lanka to implement its own Lessons Learnt and Reconciliation Commission Report by ensuring accountability for crimes during the civil war period.

LRWC filed a shadow report ([Submission from Lawyers' Rights Watch Canada to the Committee Against Torture](#)) for consideration by the UN Committee against Torture in its review of Sri Lanka's compliance with Convention obligations, recommending that Sri Lanka become a party to the Optional Protocol to the Torture Convention and adopt measures to ensure the prompt, independent, and effective investigations of all torture complaints. The Committee's [Concluding Observations](#) included these and other recommendations.

## **Thailand**

LRWC focused attention in Thailand on the use of criminal lèse majesté laws (insulting the king) to punish and silence human rights defenders, and on the increase in violent attacks on community activists and human rights defenders. LRWC participated in joint written communications regarding lèse majesté prosecutions of journalists Mr. Somyot Prueksakasemsuk and Ms Chiranuch Premchaiporn ([February 10, 2012](#), [November 15, 2011](#)). Other NGOs involved in these joint communications were Forum Asia, the Observatory for Human Rights – FIDH/OMCT, Protection International, the Clean Clothes Campaign, Human Rights Watch, SEAPA - Southeast Asian Press Alliance and Civil Rights Defenders.

LRWC also [wrote](#) to Thai authorities regarding the July 28, 2011 murder of environmentalist Thongnak Sawekchinda and the threat posed by mounting violence against human rights defenders coupled with inadequate investigations and impunity.

LRWC's Thailand monitor visited Bangkok in October to meet with and learn about the particular concerns of human rights defenders. Restrictions on freedom of expression through the use of lèse majesté laws, the Penal Code and the 2007 Computer Crimes Act, and the danger faced by human rights defenders were identified as priorities.

LRWC's [October report on Thailand](#) identified a need for continued advocacy on freedom of expression, and increased research and advocacy on the manifestations of and reasons for impunity for attacks and murders of human rights defenders, particularly community activists. At least 20 human rights defenders have been killed or disappeared since 2003. Activists seeking to protect their lands from damage related to economic development are at particular risk.

The unresolved enforced disappearance of human rights lawyer Mr. Somchai Neelapaichit in 2004 continues to be of concern, as does the July 2011 murder of environmental activist Mr. Thongnak Sawekchinda.

## Letters for Lawyers

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LRWC members wrote 45 letters on behalf of 92 lawyers, 3 judges, 23 NGOs and more than 200 human rights defenders in 21 countries. Countries receiving LRWC letters were Bahrain, Brazil, Burma, Canada, Cambodia, China, Colombia, The Gambia, Greece, Iran, Malaysia, Mexico, the Philippines, Spain, Sri Lanka, Swaziland, Syria, Thailand, Turkey, Vietnam, and Zimbabwe. Letters were sent jointly with other human rights organizations regarding human rights issues in Burma, Cambodia, Colombia, the Philippines, Spain, Syria, Thailand, and Turkey. Letters were written by Clive Ansley, Gail Davidson, Charles B. Davison, Maria Feoktistova, Jessica Fletcher, Cara E.I. Gibbons, Darlene D.R. Kavka, Vicheka Lay, Naveen P. Mehta, Catherine Morris, Heather D. Neun, and Daniel Ponte. Translation was provided by Maria de Penha Guidani Cuthbert and Marion Crowhurst.

LRWC letters addressed concern regarding: rights to counsel; fair trial and legal aid; the need for protective measures; rights to engage in dissent; the legal requirements for registration of NGOs; and prohibitions against arbitrary arrest and detention. LRWC letters responded to the reprisal murders of one judge (Brazil) and four environmental activists (Mexico, Brazil, and Thailand). Arbitrary arrest and detention – often coupled with summary disbarment, false prosecutions, unfair trials, and severe sentences – were used by states against jurists and other human rights defenders. In all cases the abuse was inspired by involvement in some form of dissent: opposing or otherwise criticizing government action; exposing wrongdoing by government agents; and resisting resource extraction or commercial development sanctioned by government. People targeted were those directly involved in such activities, their advocates and judges adjudicating cases involving accusations against state agents. LRWC worked with many other NGOs on joint letters and statements. This year saw a low number of replies from state authorities but a good rate of success.

### Successes

**China:** Chinese authorities released human rights lawyers Jiang Tianyong (April 2011) and Teng Biao (May 1, 2011) following LRWC communications to Chinese authorities and to the UN Working Group on Enforced and Involuntary Disappearances.

**Cambodia:** In response to recommendations from LRWC and others, the Prime Minister announced that discussions with civil society on the draft Law on Association and Non-Government Organizations would continue until consensus was reached.

**Malaysia:** On July 29, six prominent members of the Malaysian Socialist Party were released following communications from LRWC and others. The people had been arrested under the authority of a 1969 Emergency Ordinance for attending a meeting of the Coalition for Clean and Fair Elections. Margaret John, Amnesty International Canada Coordinator for Malaysia and Singapore, commented that cooperation and solidarity amongst local and international NGOs had been the key to success in this situation and sent a special thanks to LRWC.

**Spain:** Baltasar Garzón, former judge of Spain's Audiencia Nacional, was acquitted of malfeasance by a seven-judge panel of the Spanish Supreme Court. The charges had been based on the premise that by opening an investigation into 114,000 unresolved enforced disappearances and extra-judicial killings carried out by the Franco regime, Garzón had violated Spain's amnesty law passed during the transition to

democracy. Garzón was unpopular with powerful states such as the U.S. and China because of his use of universal jurisdiction to investigate international crimes by state agents. LRWC, in cooperation with many other NGOs, had produced several reports and statements criticizing the prosecution as a violation of international laws and standards, including judicial independence and the duty to prevent and punish crimes against human rights.

## **Work in the United Nations Human Rights System**

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### **United Nations Human Rights Council**

The UN Human Rights Council (Council) meets in Geneva three times per year: in June, September, and March. As an NGO with ECOSOC consultative status, LRWC is entitled to attend Council sessions and to make oral interventions, provide written statements on human rights issues of concern, and to host side events at the Palais Des Nations. All NGOs, irrespective of status, are entitled to file shadow reports with treaty monitoring bodies for consideration on review of a state's compliance with treaty obligations and to file reports with the Office of the High Commissioner of Human Rights for consideration on Universal Periodic Reviews (UPR), a process that involves the review of each state's human rights record every four years.

LRWC representatives attended of all three sessions of the Council, organized one Geneva side event, and presented two written and five oral statements to Council. LRWC also filed two shadow reports: one with the Committee to End all Forms of Racial Discrimination on its review of Canada and one with the Committee against Torture on its review of Sri Lanka.

### **17th session of the UN Human Rights Council: May 30 – June 17**

#### **Combating Impunity: The Role of Judges and Lawyers**

LRWC, the Asian Legal Resource Centre (ALRC), and el Grupo de Trabajo sobre Justicia Internacional y Derechos Humanos (el Grupo) organized a side event on *Combating Impunity: The Role of Judges and Lawyers*. The International Commission of Jurists and Human Rights Watch were co-sponsors. The event was held on June 3, 2011 at the Palais des Nations in Geneva. Baltasar Garzón, Wolfgang Kaleck Secretary General of the European Center for Constitutional and Human Rights (ECCHR), and Robert Husbands from the Office of the High Commissioner of Human Rights (OHCHR) spoke. Judge Garzón spoke primarily about the difficulties of investigating cases where suspected perpetrators are state authorities. Wolfgang Kaleck spoke about universal jurisdiction as one of the tools to combat impunity, the role of lawyers, and the importance of civil society being able to initiate prosecutions. Robert Husbands explained the OHCHR's efforts to combat impunity through education, capacity building, and lobbying states to promote enforcement on international law. A [podcast](#) of Judge Garzón's presentation is available online.

#### **UN Human Rights Council Attendance**

Catherine Morris, Gary Anandasangaree, and Cara Gibbons attended the 17th session of Council. Ms. Gibbons attended event on impunity. Mr. Anandasangaree was in Geneva from May 30 – June 3 to attend a flurry of activities promoting or opposing the investigation and remediation of war crimes in Sri Lanka.

The [Report of the Secretary General's Panel of Experts on Accountability in Sri Lanka](#), released on April 25, 2011, had concluded that, "the conduct of the war represented a grave assault on the entire regime of international law..." In response to that report, Sri Lanka convened a conference ("Defeating Terrorism: The Sri Lankan Experience") on May 31 at the UN headquarters in Geneva. Amnesty International hosted a side event to premiere [Sri Lanka Killing Fields](#), a BBC film depicting horrific crimes in Sri Lanka, described by UN Special Rapporteur on extra-judicial killings Christof Heyns as "definitive war crimes."

Catherine Morris was in Geneva June 14 – 23 to attend the closing days of the Council session and to research current theory and practice relating to international human rights education and training. Ms. Morris met with representatives from the OHCHR and several NGOs to discuss the correlation between human rights enforcement and human rights education and responses to the draft UN Declaration on International Human Rights Education and Training. LRWC received a grant from the Law Foundation of BC to prepare a report on the international law responsibilities of states regarding international human rights education and training and BC's performance.

### **Oral Interventions**

- [Attacks on Journalists in Pakistan and Bangladesh denounced](#). Ms Morris made this oral presentation to Council on behalf of LRWC and the Asian Legal Resource Centre on June 15 during general debate.

### **18th Session of the Council: September 12 – 30, 2011**

Gary Anandasangaree attended this session of Council and contributed to discussions on a number of key issues: the crisis of impunity; the need for effective protective measures for human rights defenders under attack; and the need for Council to act to prevent and remedy past and continuing human rights violations in Sri Lanka. Mr. Anandasangaree met with representatives of NGOs, member states and UN bodies, attended Council sessions, and made oral presentations to Council.

Mr. Anandasangaree also participated in a meeting called to review a draft resolution regarding accountability for crimes against human rights in Sri Lanka and made a presentation on the role of Council to respond to reports of human rights abuses. He met with representatives from several state missions to discuss methods of providing immediate support to human rights defenders in danger and ensuring accountability.

### **Oral Interventions**

- *Accountability for war crimes in Sri Lanka* - a statement calling on Council to adopt the recommendations of the March 31, 2011 report of the Secretary General's [Panel of Experts on Accountability in Sri Lanka](#). Mr. Anandasangaree delivered this statement on September 12, during the interactive dialogue following the statement by the UN High Commissioner of Human Rights, Navi Pillay.
- [Accountability for Enforced or Involuntary Disappearances](#) – a statement on the crises of unresolved enforced disappearances. Mr. Anandasangaree presented this statement to Council on September 15, during general debate that followed presentation of the report from the Working Group on Enforced and Involuntary Disappearances.

## 19th session of the Council: February 27 – March 23

Gail Davidson, Gary Anandasangaree, and Vani Selvarajah attended this session of the Council. Ms. Sevalrajah attended the entire session, Ms. Davidson attended March 5-15, and Mr. Anandasangaree travelled between Geneva and Toronto during the session as required in order to participate in discussions regarding the resolution on Sri Lanka before the Council. Irma van den Berg from Lawyers for Lawyers attended for two days as a representative of LRWC. LRWC representatives attended sessions of the Council and side events, and met with representatives of states and NGOs. LRWC representatives also met with the Special Rapporteurs on Human Rights in Myanmar (Burma) and on Human Rights Defenders, and the Chair of the Working Group on Enforced and Involuntary Disappearances.

Mr. Anandasangaree was a speaker at a side event on *Human Rights and Democratization in Sri Lanka*. Ms. Sevalrajah and Mr. Anandasangaree met with many representatives of states and NGOs in order to promote acceptance of the proposed resolution on Sri Lanka: *Promoting Reconciliation and Accountability in Sri Lanka*. The resolution, which was passed by the Council on March 22, 2012 (A/HRC/19/L.2), calls on Sri Lanka to implement its own [Lessons Learnt and Reconciliation Commission Report](#), which was released in December 2011. Since the end of the conflict in May 2009, LRWC Sri Lanka monitors, Gary Anandasangaree and Harini Sivalingam, have worked in cooperation with individuals and NGOs in order to promote accountability for crimes committed in Sri Lanka during the conflict.

In May 2009, the UN Secretary-General and Sri Lankan president issued a joint statement in which the president agreed that Sri Lanka would take measures to address accusations of war crimes. In May 2010, the government of Sri Lanka appointed a Commission to inquire and report on a number of issues arising after the February 2002 failure of the ceasefire. In June 2010, the Secretary-General appointed a panel of experts more specifically mandated to advise on accountability for crimes committed during the final stages of the conflict. The [Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka](#) was released in March 2011.

## Oral Interventions

- [Investigate U.S. interference in the prosecution of Baltazar Garzón for malfeasance](#): This statement was presented by Ms. Davidson during the interactive dialogue following presentation of the report of the Working Group on Enforced and Involuntary Disappearances.
- [Situation of Omar Khadr in Guantanamo Bay prison](#)
- [Need for Action on Reports of human rights abuses in Sri Lanka](#): The statement on the need for the Council to promote action by Sri Lanka to ensure accountability for atrocities committed during the conflict was delivered by Gary Anandasangaree during the interactive dialogue that followed the report of the High Commissioner of Human Rights.

## Written Statements

- [Obligation to investigate the prosecution of Judge Baltasar Garzón](#), A/HRC/19/NGO/95, 13 February 2011. This statement addresses the prosecution of Judge Baltasar Garzón for opening an investigation of 114, 266 unresolved enforced disappearances and extra-judicial executions by the Franco regime between 1936 and 1951.
- [The situation of Omar Khadr in Guantánamo Bay Prison](#), A/HRC/19/NTS/109 1, 13 February, 2011. This statement was a follow-up to earlier reports to the Office of the High Commissioner of Human



Rights (September 2008), the Human Rights Council (February 2010) and the Special Rapporteur on Torture (March 2010). The report outlines events since March 2010, including Canada's complicity in past and continuing violations of the internationally protected rights of Omar Khadr and need to stop, investigate, and remedy the violations.

- Both of these statements can be accessed at [www.lrwc.org](http://www.lrwc.org) or the [United Nations document site](#).

## **UN Committee against Torture**

The Committee against Torture (CAT) conducted its periodic review of Sri Lanka's adherence to obligations under the Convention against Torture on November 8-9, 2011 in Geneva and released its [report on Sri Lanka](#) on November 26. LRWC had submitted a report citing the widespread use of torture by state agents and detention conditions in breach of minimum international standards. LRWC recommended, *inter alia*, a register of people in custody, and effective prevention and punishment of torture and other crimes by state agents. CAT identified the on-going use of torture and unresolved enforced disappearances as critical problems in Sri Lanka. Regarding torture, CAT recommended that the government of Sri Lanka: ensure effective and timely investigations and prosecutions, enact laws prohibiting the use of evidence obtained by torture, publicly condemn torture and ensure wide awareness of the personal criminal liability for torture. With respect to enforced disappearances, CAT recommended that the government of Sri Lanka: make enforced disappearances a crime; investigate and punish enforced disappearances; ensure that victims receive information and compensation; and allow the Working Group on Enforced Disappearances to visit Sri Lanka. CAT also recommended the creation of a register of people under detention and recommended adherence to minimum international standards, including timely access to counsel. Noting "the extremely hostile environment for human rights defenders, lawyers, journalists and other civil society actors in Sri Lanka," CAT recommended protection coupled with effective investigations, prosecutions, and punishment.

## **Issue Monitoring**

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### **Right to Equality and Non-discrimination**

In cooperation with other groups, LRWC did a significant amount of work on the right to equal access to justice in proceedings before the United Nations and the Inter-American human rights systems.

### **United Nations Committee to End all Forms of Racial Discrimination**

#### **Missing Women Commission of Inquiry – Inequality of Legal Funding**

LRWC made a number of representations to the Attorney General of B.C. regarding the need for grass root and human rights groups to have publicly funded counsel to represent them before the Commission. Despite the Commissioner's recommendation that to participate fully, these groups needed and couldn't afford to hire lawyers to represent them, funding was refused on the basis that legal aid would be provided only when *Charter* rights are engaged and the outcome was likely to affect rights to liberty or security. [LRWC's reply](#) pointed out that the inquiry engaged rights to life, equality and non-discrimination, and the right to effective investigations of extra-judicial killings: rights protected by the *Charter* and international law. All state actors including the police and the criminal justice branch were represented by publicly funded lawyers. Eighteen of the non-state groups with standing subsequently withdrew because the lack of legal funding limited their ability to participate effectively.

LRWC and the BC CEDAW Group then filed a shadow report with the UN Committee on the Elimination of Racial Discrimination (CERD) for consideration on review of Canada's compliance with the *International Convention on the Elimination of Racial Discrimination (ICERD)*. The [joint report](#) examined the failure of B.C. and Canada to prevent and punish violence against Aboriginal women and girls by ensuring equal and non-discriminatory access to protective measures and to the legal aid and other assistance necessary to secure remedies. In its [Concluding Observations](#), CERD mirrored these concerns and recommended that Canada: implement laws and programmes to eliminate violence against Aboriginal women and girls; strengthen efforts to promote and facilitate access to justice by Aboriginal peoples; investigate, prosecute, and punish violations; adopt a national action plan; and create a national database on murdered and missing Aboriginal women.

\*The BC CEDAW Group is a coalition of: The Poverty and Human Rights Centre; Aboriginal Women's Action Network; Coalition of Child Care Advocates of BC; Hospital Employees' Union; Justice for Girls; Women's Housing Equality Network (Canada); North Shore Women's Centre; Vancouver Committee for Domestic Workers and Caregivers Rights; Vancouver Rape Relief and Shelter; Vancouver Women's Health Collective; and West Coast LEAF.

### **Inter-American Commission on Human Rights**

LRWC filed an [amicus curiae brief](#) in support of the Hul'qumi'num Treaty Group's (HTG) petition to the Inter-American Commission on Human Rights (IACHR) in relation to HTG lands on Vancouver Island seized in the 1880s and then granted to non-indigenous colonial settlers. The LRWC brief examines *de jure* and *de facto* violations by Canada of the right to equality and non-discrimination through practices spanning more than 140 years, and Canada's duty to remedy persistent disadvantages arising from historical wrongs and continuing acts that constitute discrimination. The LRWC brief asserts that discriminatory practices and the conditions they created restricted and continue to impede equal and non-discriminatory access to judicial remedies and to perpetrate disadvantages.

Amnesty International filed an *amicus curiae* brief on the issue of third party interests. The HTG petition was heard by the IACHR in Washington D.C. on October 28, 2011. Heather Neun attended the hearing on behalf of LRWC.

## **Education**

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### **LRWC Education Events**

**Combating Impunity: The Role of Judges and Lawyers**, June 3, 2011 at the Palais des Nations, Geneva, Switzerland. This event was organized by LRWC, the Asian Legal Resource Centre (ALRC), and el Grupo de Trabajo sobre Justicia Internacional y Derechos Humanos (el Grupo) and co-sponsored by the International Commission of Jurists and Human Rights Watch.

**The Hul'qumi'num Treaty Group petition before the Inter-American Commission on Human Rights.** This event was held on November 12, 2011 at the Roundhouse Community Centre in Vancouver and was organized by Amnesty International and LRWC. Speakers were Robert Morales and Grand Chief Stewart Philips of the Union of B.C. Indian Chiefs. Mr. Morales explained the application process, jurisprudence, and the need for greater understanding of the Inter-American Human Rights system among members of the legal profession and the judiciary.

**First Nations Rights: The Gap between Law and Practice.** LRWC, Amnesty International, the Hul'qumi'num Treaty Group, and the Vancouver Public Library (VPL) co-hosted a series of free public talks. Video-taping and editing of the talks at the Vancouver Public Library was done by David Maidman

of the EVOTV Collective (<http://evotv.ca/>). Additional talks on related subjects were co-hosted by other organizations. All of the talks at the Vancouver Public Library were approved for Continuing Legal Education credits by the Law Society of B.C.

**Ghost Dancing with Colonialism: Decolonization and Indigenous Rights at the Supreme Court of Canada.** Dr. Grace Woo examined Anglo-Canadian legal history, international law, Supreme Court of Canada decisions, and the remnants of colonialism that continue to haunt Canadian law. Due to the overcapacity crowd and interest in the topic, Dr. Woo also gave this lecture on the following occasions:

- February 2, 2012 at the Native Education Center, Vancouver;
- March 1, 2012 at the Vancouver Aboriginal Friendship Centre, Vancouver;
- March 7, 2012 at Musqueam Nation (by invitation only); and
- March 16 at the University of British Columbia Faculty of Law.

**Seeking Justice Elsewhere – The Hul'qumi'num Treaty Group land claim case went before the Inter-American Commission of Human Rights.** In this talk, delivered on February 23, 2012 in Vancouver, Robert Morales addressed indigenous rights in the context of the 1884 unlawful seizure and privatization of Hul'qumi'num peoples' land on Vancouver Island, the consequences for Hul'qumi'num survival and cultural integrity, and the history of unsuccessful negotiations that led the Hul'qumi'num people to seek justice elsewhere.

**UN Declaration of the Rights of Indigenous People (UNDRIP): Indigenous rights in the UN system.** On March 19<sup>th</sup> in Vancouver, Kenneth Deer addressed the development of UNDRIP and its 25-year passage through the UN system, why Indigenous Peoples went to the UN, the obstacles they faced, Canada's involvement, and whether the declaration is binding on states. Mr. Deer is a journalist and educator, internationally recognized for promoting the recognition and protection of Indigenous Peoples' rights.

**Canada's Compliance with the Convention on the Elimination of all forms of Racial Discrimination.** On March 20, 2012, Mr. Deer delivered a talk at the University of British Columbia Faculty of Law about the UN review of Canada's compliance with the *Convention on the Elimination of all forms of Racial Discrimination* (CERD). Mr. Deer reported on the CERD Committee's concern with Canada's treatment of indigenous peoples in Canada, and explained the recommendations, which addressed findings of persistent discrimination against indigenous peoples including: disproportionately high incarceration rates; inferior health and education services; and unremedied violence against indigenous women. This talk was co-sponsored by LRWC and the UBC Indigenous Law Students' Association.

**The Right to Know our Rights: International Law Obligations to Ensure International Human Rights Education and Training:** The Law Foundation of BC provided a grant of \$12,000 to LRWC to conduct research and prepare a report examining the international legal responsibilities of states to provide international human rights education and training and the provision of such education in British Columbia. The research was conducted by Catherine Morris, Gail Davidson, Christopher Gully, and Jessica Fletcher. Research included examination of UN human rights treaties and instruments, General Comments and Recommendations of UN treaty bodies as well as consultations with the Office of the UN High Commissioner of Human Rights, interviews with key informants in BC and surveys of BC lawyers and judges. The final report was submitted to the Law Foundation of BC in May 2012. The report was prepared in consultation with Canadian advocates and academics and others interested in domestic or international human rights education.

## LRWC Publications

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- LRWC written Statement to the UN Human Rights Council: [\*Obligation to investigate the prosecution of Judge Baltasar Garzón for opening an investigation of 114,266 unresolved enforced disappearances and extra-judicial executions by the Franco regime between 1936-1951\*](#), /HRC/19/NGO/95 by Gail Davidson, February 13, 2011.
- LRWC written Statement to the UN Human Rights Council: [\*The situation of Omar Khadr in Guantánamo Bay Prison\*](#), A/HRC/19/NTS/109 1 by Gail Davidson and Grace Woo, February 13, 2011.
- Submissions to the United Nations Committee on the Elimination of Racial Discrimination on the occasion of its review of Canada's 19<sup>th</sup> & 20<sup>th</sup> reports [\*Missing and Murdered Aboriginal Women and Girls in British Columbia and Canada\*](#), by Lois Leslie of LRWC, and Shelagh Day of the BC CEDAW Group with the assistance of Gail Davidson and Catherine Morris, January 30, 2012.
- [\*Submission to the United Nations Committee against Torture\*](#) on its review of Sri Lanka's 3<sup>rd</sup> & 4<sup>th</sup> Periodic Reports on the Implementation of the Convention Against Torture, by Gary Anandasangaree and Vani Selvarajah, October 2011.
- [\*Brief of LRWC as Amicus Curiae to the Inter-American Commission on Human Rights on The Merits of the Petition\*](#) by of the Hul'qumi'num Treaty Group Case No. 12.734, by Gail Davidson, Heather Neun, and Grace Woo, June 3, 2011.
- [\*Cambodia: Human Rights Report\*](#), Catherine Morris, BA, JD, LLM, October 2011.
- [\*Thailand: Human Rights Report\*](#), Catherine Morris, BA, JD, LLM, October 2011.

## Other Publications of Interest

- [\*Colombia: The Legal Profession Still Under Attack\*](#), Report of the 2<sup>nd</sup> International Lawyers' Delegation to Colombia, produced by the Colombian Association of Defence Lawyers "Eduardo Umaña Mendoza" (ACADEUM), Lawyers Without Borders Canada (LWBC), and the Colombian Caravana UK Lawyers Group (supported by the Law Society of England and Wales), May 25, 2011. LRWC participated in the August 2010 delegation to Colombia.
- [\*Protesters' Guide to The Law of Civil Disobedience in British Columbia: Take Back our Communities Issue\*](#), September 23, 2011. Leo McGrady, Q.C. LRWC distributed this handbook with the permission of the author.
- [\*Corruption, Impunity, Silence: The War on Mexico's Journalists\*](#), by Beth Spratt, on behalf of PEN Canada, Cara Gibbons (LRWC Mexico monitor), and the International Human Rights Program at the Faculty of Law at the University of Toronto, June 3, 2011.
- [\*Corruption, Impunity, Silence: The War on Mexico's Journalists\*](#), Executive Summary and Recommendations. Spanish language editions of both reports are available on the University of Toronto's Faculty of Law International Human Rights Program [website](#).

## Press Releases

- *Canada Won't Deal With Women's Human Rights Crisis At Home - Failure to address cases of missing and murdered Aboriginal women an international shame, say leading human rights groups (Vancouver)*, issued by LRWC and BC CEDAW on February 22, 2012. This release was covered by

several media outlets across Canada, including the [Sault Star](#), [Toronto Sun](#), [CNews](#), [Welland Tribune](#), and [NationTalk](#).

- Spain: [On the trial against Judge Baltasar Garzón](#): The application of international law to the crimes of the Spanish Civil War and the Franco regime does not constitute criminal malfeasance, January 12, 2012, released by LRWC the European Centre for Constitutional and Human Rights, Center for Constitutional Rights, International Commission of Jurists, International Federation of Human Rights and the World Organization against Torture, and the Asociación Pro Derechos Humanos de España. The statement was released in [Spanish](#) and English.
- Spain: [Human Rights Groups Welcome Spanish Court's Decision](#). This statement addressed the Court's decision to acquit Judge Baltasar Garzón and called on Spain to secure effectively the right to truth, justice, and reparation for the victims of the crimes committed during the Civil War and the Franco regime. The statement was released on February 27, 2012 in English and [Spanish](#) by LRWC, the European Centre for Constitutional and Human Rights, Center for Constitutional Rights, International Commission of Jurists, International Federation of Human Rights and the World Organization against Torture, the Asociación Pro Derechos Humanos de España, and the Asociación Española para el Derecho Internacional de los Derechos Humanos.
- Cambodia: [Revise or Abandon Draft NGO Law](#): Donors Should Insist on Protections for Civil Society, December 22, 2011 released by LRWC, Centre for Law and Democracy, Human Rights Watch, SEAPA – Southeast Asian Press Alliance, Forum Asia, Freedom House, Article 19, Civil Rights Defenders, and Global Witness.
- Colombia: [North American NGOs and Human Rights Experts Condemn Colombia's Attack on Inter-American System](#), November 21, 2011. Twenty-five NGOs (including LRWC) from Canada, Colombia, and the U.S. published a statement criticizing President Santos for publicly branding lawyers for the José Alvear Restrepo Lawyers Collective (CCFAR) as corrupt for representing victims of the 1997 Mapiripán massacre.
- Turkey: [Call for the release and the end of judicial harassment against lawyers](#), December 16, 2011. LRWC, International Federation for Human Rights, LRWC, the World Organisation Against Torture, the Conférence Internationale des Barreaux, and the Union Internationale des Avocats issued an open letter to President Abdullah Gül and the Minister of Justice, Mr. Sadullah Ergin, in the response to the arbitrary arrest of 50 lawyers.

## Work with Other NGOs

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LRWC collaborated with other NGOs on: joint letters; amicus curiae briefs; statements and press releases; reports; recommendations on Cambodia's drafted NGO law; a formal complaint to the UN; a UN side event; the First Nations' Rights lecture series; and research on international human rights education and training. NGOs that LRWC worked with this year included:

- Amnesty International
- Asian Forum on Human Rights and Development
- Asian Legal Resource Centre
- Asociación España para el Derecho Internacional de los Derechos Humanos

- Asociación por Derechos Humanos de España
- The BC CEDAW Group
- Canadian Centre for International Justice
- Center for Constitutional Rights
- Center for Law and Democracy
- Civil Rights Defenders
- Clean Clothes Campaign
- Conférence Internationale des Barreaux
- European Centre for Constitutional and Human Rights
- International Federation for Human Rights (FIDH)
- Forum Asia
- Front Line Defenders
- Freedom House
- Global Witness
- el Grupo de Trabajo Sobre Justicia Internacional y Derechos Humanos
- Hul'qumi'num Treaty Group
- Human Rights Watch
- Human Rights Defenders
- International Association of Democratic Lawyers
- International Commission of Jurists
- Lawyers Against the War
- Lawyers for Lawyers
- Lawyers without Borders Canada
- National Lawyers' Guild
- World Organization against Torture (OMCT)
- Observatory for the Protection of Human Rights Defenders (FIDH & OMCT programme)
- PEN Canada
- Protection International
- Rights International Spain
- Southeast Asia Press Alliance
- Union Internationale des Advocats

## Constitutions

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### Lawyers' Rights Watch Canada

- To provide support internationally to lawyers whose rights, freedoms, or independence are threatened as a result of their human rights advocacy
- To promote and protect lawyers' right to engage in independent advocacy
- To preserve and enhance the rule of law
- To encourage governments and other institutions to respect fair trial rights including the rights of lawyer to engage in independent advocacy
- To encourage ratification and implementation of international human rights treaties that impact on legal advocacy rights and the integrity of legal systems
- To encourage constitutional and legislative amendments necessary for conformity with international human rights standards relevant to the independence of lawyers and judges, the integrity of the legal systems and fair trial rights
- To provide research and public legal analyses with respect to the above
- To complement the support to lawyers from other human rights organizations

### Lawyer's Rights Watch (Legal Research) Canada

- To do legal research on jurisprudence, national laws and international laws and standards related to the integrity of legal systems and the right of lawyers and other human rights defenders to engage in independent advocacy
- To make such research available to the public
- To provide public legal education on the above topics

## LRWC Directors

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List of Directors for LRWC and LRW(LR)C 1 April 2011 to 31 March 2012:

### Lawyers Rights Watch Canada

- Kelley Bryan, Chair, Law Society of Upper Canada, Toronto, ON
- Marjorie Cohn, California Bar, Professor of Law, Thomas Jefferson School of Law and President of the National Lawyers Guild, San Diego, CA
- Paul D. Copeland, ex-Officio Bencher - Law Society of Upper Canada, Toronto, ON
- Gail Davidson, Secretary, Law Society of BC, Vancouver, BC
- Leo McGrady QC, Law Society of BC, Vancouver, BC
- Harini Sivalingam, Treasurer, Law Society of Upper Canada, Toronto, ON
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### Lawyers Rights Watch (Legal Research) Canada

- Clive Ansley, Secretary, Law Society of BC, Courtney, BC
- Cara Gibbons, Vice-Chair, Law Society of Upper Canada, Toronto, ON
- Jane Henderson, Q.C., Law Society of British Columbia, Vancouver BC
- Catherine Morris, Chair, Law Society of BC and Associate, Adjunct Professor, Faculty of Law, University of Victoria, Victoria, BC
- Paul Schabas, Law Society of Upper Canada, Toronto, ON
- Margaret (Peggy) Stanier, Treasurer, Law Society of British Columbia, Vancouver BC
- Maureen Webb, Law Society of Upper Canada, Chelsea QC

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