

# Lawyers' Rights Watch Canada

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

## LRWC ANNUAL REPORT 2015

(January 1, 2015 to December 31, 2015)

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

### MISSION

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

- Providing support to lawyers and other human rights defenders whose rights, freedoms, or independence are threatened as a result of their human rights advocacy.
- Conducting legal research and producing legal analyses of national and international laws and standards relevant to advocacy rights, the integrity of legal systems, fair trials rights and the rule of law.
- Working in cooperation with other human rights organizations.
- Engaging in legal education.

LRWC and LRW(Legal Research)C are non-profit societies incorporated under the *Canada Not-for-profit Corporations Act*. LRW(Legal Research)C engages in legal research and education and has charitable tax status.

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## EXECUTIVE DIRECTOR'S MESSAGE

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During the reporting period, the use of criminal legal systems to falsely charge, wrongfully convict and punish lawyers and others engaged in work that could either expose government to criticism or hinder state supported projects continued to rise. Many of these human rights defenders were arrested first and charged later with offences so broad and vague they can be attached to any activity or statement with the potential to affect opinions about the activities of state actors or corporate actors supported by the state. Convictions are pronounced by courts lacking in competence, impartiality and independence. Fair trial rights were abrogated including rights to counsel, pre-trial release, notice, time to prepare a defense, appeal and access to an independent tribunal to determine charges. In some cases, the charges are too vague and uncertain to allow either avoidance or defense. At the international level, some members of the UN Human Rights Council openly engage in sweeping human rights violations that keep their citizens in fear of exercising the most basic rights of expression, association, thought and assembly (e.g., China, Saudi Arabia, United Arab Emirates, and Viet Nam). Not only do UN mechanisms lack the power to make binding recommendations for the prevention or remediation of such flagrant abuses, but also the Human Rights Council does not move to publically censure the states known to be in violation of the UN Charter, the Universal Declaration of Human Rights and other instruments. In his February 2016 report, the Special Rapporteur on the Situation of Human Rights Defenders (HRDs) recommended that those engaged in protecting HRDs should empower “defenders to know and claim their rights and [increase] the ability and accountability of those responsible for respecting, protecting and fulfilling rights.”

LRWC work continued to serve these purposes of empowering through education and improving accountability and remediation of violations through exposure of abuses and identification of remedies. LRWC made significant headway during this reporting period in our ability to pursue follow-up on unresolved cases and to improve the impact of our work by working in cooperation with other groups around the world. The quality of LRWC letters continued to improve, as did LRWC follow-up with statements, reports and complaints to UN monitoring bodies on cases of particular concern. LRWC work also contributed to the alleviation of suffering for individual human rights defenders targeted with abuse, including results of: early release, pre-trial release, withdrawal of charges, acquittals, international attention, a pardon, suspended punishment and buoyed spirits.

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## I. UNITED NATIONS PARTICIPATION

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### A. The 28<sup>th</sup> and 29<sup>th</sup> Sessions of the UN Human Rights Council (HRC): 2 – 27 March 2015 and 15 June – 3 July 2015.

While no LRWC members were able to attend either of these sessions of the HRC, LRWC join two oral interventions during the 28<sup>th</sup> session and endorse one written statement filed for consideration at the 29<sup>th</sup> session of the HRC.

#### i. Oral Interventions at the 28<sup>th</sup> Session

- **Iran:** *UPR Outcomes for Iran: Fair trial rights* a joint statement by LRWC and L4L, presented by L4L member, Phon van den Beisen, 19 March 2015.
- **Kazakhstan:** *UPR Outcomes for Kazakhstan: Compliance with UN Basic Principles*, by L4L member, Judith Lichtenberg.

Videos of the presentations of both oral interventions are available online: [Iran](#) and [Kazakhstan](#).

#### ii. Written Statement to the 29<sup>th</sup> Session

- **Global:** *Joint statement of civil society organizations Report of the 3rd session of the Working Group on the Right to Peace*, Spanish Society for International Human Rights Law, The International Observatory for Human Right to Peace and LRWC, 25 May 2015.

### B. The 30<sup>th</sup> Session of the UN Human Rights Council: 14 September - 2 October 2015

LRWC representatives attended all three weeks of the 30<sup>th</sup> session of the HRC: Vani Selvarajah attended the first two weeks and Gavin Magrath attended the last week. Vani and Gavin are both Toronto-based lawyers and LRWC directors. Work by LRWC representatives during the session included meeting with the newly appointed Special Rapporteur on the independence of judges and lawyers and representatives of NGOs and states, attending side events and making oral presentations to the HRC. LRWC statements attracted notice from a variety of state and non-state actors. After presentation of the joint statement by LRWC and the Asian Legal Resource Centre (ALRC) on Thailand and other countries by Gavin Magrath, the political counselor for Thailand began his reply by stating that Thailand “wants to reply to the issues raised by the delegation of the United States and the representative of the organization Lawyers’ Rights Watch Canada...”

#### i. Oral Interventions by LRWC at the 30<sup>th</sup> Session

- **Saudi Arabia:** *Widespread and systematic violations of human rights violations in Saudi Arabia*, a joint oral statement by LRWC, L4L and FIDH/OMCT presented on 21 September 2015 by Vani Selvarajah. The video presentation can be viewed [here](#) at 14:28 or on the [UN website](#) at Chap. 42.
- **China:** *Crackdown on lawyers and other advocates violates international law obligations*, joint oral statement by LRWC, Lawyers for Lawyers and the ALRC, presented on 21 September by Vani Selvarajah. The video presentation can be viewed [here](#) or on the [UN website](#) at Chapter 15.
- **Cambodia:** *Re: Report of the Special Rapporteur on the situation of human rights in Cambodia*, oral statement by LRWC delivered on 29 September by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) at 0:56:33.
- **Sri Lanka:** *Urgent Need for Accountability and Reconciliation*, an LRWC statement presented on 30 September by Gavin Magrath. The video of the presentation can be viewed [here](#) at or on the [UN website](#) at Chapter 38.

- **Thailand and other countries:** *Abuse of laws and military courts to silence civil society*, presented on 1 October by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) here at Chapter 46.

## II. UNIVERSAL PERIODIC REVIEW (UPR)

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LRWC participated in the UPR process by filing [a report](#) in September 2015 with the OHCHR for the UPR of Thailand, scheduled to take place during the 29<sup>th</sup> UPR session in April 2016. LRWC's report outlined Thailand's failure to comply with its international human rights obligations. Specifically, the report identified failures to ensure: fair trial rights in accordance with the *Universal Declaration on of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR); protection of human rights defenders required by the ICCPR and the *UN Declaration on Human Rights Defenders*; protection of the rights and duties of lawyers pursuant to the *UN Basic Principles on the Role of Lawyers*; and freedom from torture and other ill-treatment pursuant to the UDHR, ICCPR and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). On 21 December 2015, LRWC member Renée Mulligan participated in a meeting of NGOs in Bangkok to prepare and coordinate additional submissions identifying Thailand's international human rights challenges. These reports were presented to the Thai government as part of Thailand's National Consultation.

## III. UN WORKING GROUP ON ARBITRARY DETENTION (WGAD)

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LRWC submitted a joint Complaint to the WGAD on behalf of Saudi Arabian lawyer Waleed Abu Al-Khair. The Complaint was filed in April 2015 by LRWC, L4L, the Law Society of England and Wales, the Law Society of Upper Canada, the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT) within the framework of their joint programme the Observatory for the Protection of Human Rights Defenders, the International Association of Democratic Lawyers, Human Rights Watch, Union Internationale des Avocats (UIA - International Association of Lawyers). The WGAD issued an Opinion in October 2015 in response to a Complaint by other organizations filed on behalf of eight Saudi Arabian human rights defenders including Waleed Abu Al-Khair. The WGAD concluded that the detention of Al-Khair was arbitrary under both Category II (where deprivation of liberty resulted from the exercise of rights protected by the UDHR) and Category III (where the denial of fair trial rights was of such gravity as to render the imprisonment arbitrary). The WGAD recommended immediate release. None of the eight people who were the subject of that Opinion were released during 2015 in spite of the fact that Saudi Arabia is a member of the HRC and therefore has a heightened formalized duty to uphold the highest human rights standards and is required to fully cooperate with the HRC.

## IV. UN WORKING GROUP ON THE RIGHT TO PEACE (WGRP)

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On 20 April, 30 civil society organizations (CSOs) including LRWC presented [a joint statement](#) to the 3<sup>rd</sup> Session of the WGRP held 20-24 April in Geneva. The report criticized the second draft of a proposed declaration on the right to peace for failing to incorporate the essential elements of the right to peace that had been identified in the 2010 Santiago Declaration and confirmed by the April 2012 Declaration by the Advisory Committee. By the end of the 3<sup>rd</sup> Session, there was no consensus on the third draft. On 25 May 2015, three groups (Spanish Society for International Human Rights Law, International Observatory for

Human Right to Peace and LRWC) [filed a report](#) for consideration by the HRC at the 29<sup>th</sup> Session calling on the HRC to extend the mandate of the WGRP with a view to achieving creation of a Declaration expanding—not contracting—the principles spelled out by the 2010 and 2012 declarations. The debate on the report of the WGRP (A/HRC/29/45) on 25 June 2015 in Geneva ended with no action being taken by the HRC on the proposed draft declaration and no resolution to extend the mandate of the WGRP for another year. The process to develop a Declaration on the Right to Peace is now suspended.

## V. UN FORUM ON BUSINESS AND HUMAN RIGHTS

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LRWC participated in the third [UN Forum on Business and Human Rights](#) from 16-18 November 2015. LRWC has been concerned about business involvement in many abuses of human rights defenders including community-based human rights defenders in several countries. LRWC's Research Director, Catherine Morris, attended the forum in Geneva. The focus of the forum was to discuss and assess the implementation of the UN Guiding Principles on Business and Human Rights (GPs) by governments and businesses. Included among the panels were discussions of: State National Action Plans (NAPs) for implementation of the GPs; concerns about protection of human rights defenders and community activists; and a report on the first meeting of the HRC's Open Ended Working Group on a legally binding instrument on transnational corporations and other business enterprises with respect to human rights, held in Geneva in July 2015.

## VI. NOMINATION OF UN SPECIAL MANDATE HOLDERS

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- **WGAD Nomination:** The WGAD is comprised of five members, each from a country within one of the five UN regional groups being the African, Asia-Pacific, Eastern European, Latin American and Caribbean and Western European and Others Groups. Canada is a member of the latter group. Formed in 1991, the WGAD is mandated to investigate and determine if deprivations of liberty contravene the rights recognized by Universal Declaration of Human Rights and other instruments and to make recommendations for remediation. LRWC nominated a prominent lawyer to fill the position to be vacated by WGAD Chair and representative from Norway, Mads Andenas. The position was ultimately filled by a representative from Australia, Ms Leigh Toomey.
- **Special Rapporteur on the independence of judges and lawyers nomination:** LRWC commenced the nomination of another very capable candidate (from the U.K.) for the position of Special Rapporteur on the independence of judges and lawyers. LRWC's candidate withdrew before the nomination was completed, April 2015.

## VII. IN-COUNTRY INVESTIGATIONS AND TRIAL MONITORING

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### CAMBODIA

LRWC's Cambodia monitor, Catherine Morris, visited Cambodia for several days in late October 2015 and visited with human rights defenders and journalists. Ms. Morris' visit was timed to allow her to monitor an investigation hearing (scheduled for 21 October) by the Phnom Penh Municipal Court of charges of "public defamation," "slandorous denunciation", and "publication of commentaries to put pressure on jurisdiction" (Art. 305, 311, and 522 respectively of Cambodia's Criminal Code) against lawyer Mr. [NY Chakrya](#), head of the Human Rights and Legal Aid section of the Cambodian Human Rights and Development Association (ADHOC). The charges were related to the 12 May 2015 ADHOC press conference at which Mr. Ny Chakrya and ADHOC lawyer Ms. Pouk Yarann announced a formal

complaint against a prosecutor and a judge for procedural irregularities leading to the arbitrary arrest and detention two community activists, Mr. VEN Lorn and Mr. BEOURN Sok, involved in a land dispute in Siem Reap Province. On 20 May 2015, Ny Chakrya filed a complaint against Investigating Judge KY Reuthy and Deputy Prosecutor SOK Keobandit with the Supreme Council of the Magistracy, which reportedly has not acted on the complaint. On 2 June 2015, Sok Keobandit and Ky Reuthy retaliated by filing a criminal complaint against Ny Chakrya. The *in camera* hearing scheduled for 21 October was adjourned because of improper service on NY Chakrya.

Ms. Morris also sought a meeting in Phnom Penh with the President of the Bar Association of the Kingdom of Cambodia (BAKC) to follow up on matters raised in a late-2014 letter from LRWC and the Netherlands-based NGO Lawyers for Lawyers. Ms. Morris also planned to discuss with the BAKC the cases of human rights lawyers Ny Chakrya and Pouk Yarann, who since 22 June 2015 have been [under investigation by the BAKC](#) in conjunction with their conduct of ADHOC cases. Ms. Morris did not receive a response to her request for a meeting with the BAKC president. The BAKC is not considered to be functionally independent from the Cambodian government.

### THAILAND

A member of LRWC visited Thailand in October and November 2015 to meet with human rights defenders and to monitor court hearings in two cases involving human rights defenders. Since 2013, human rights researcher Andy Hall has been subjected to judicial harassment by the Natural Fruit Co. Ltd. (Natural Fruit), which has continued to press two criminal defamation and two civil defamation cases against him because of his research for a 2013 report by Finnwatch entitled *Cheap Has a High Price*, which exposed labour rights violations in several factories. The first criminal defamation case was dismissed in both the court of first instance and on appeal; however, on 25 November 2015, the Thailand Supreme Court gave Natural Fruit and the Public Prosecutor leave to appeal the acquittal. On 19 October 2015, a member of LRWC was among several monitors attending a formal indictment and plea hearing on the second criminal case involving charges of criminal defamation and violation of the *Computer Crimes Act*. This hearing was adjourned until 18 January 2016 because the plaintiff had failed to properly serve documents on Mr. Hall.

From 22-25 October, at the request of [Protection International](#), a LRWC member travelled to Loei Provincial Court in Northeast Thailand to observe four days of a trial of a military colonel and his father, a retired military official, charged with plotting a 15 May 2014 attack against dozens of land rights activists from Nanongbong village. Witnesses gave evidence that hundreds of armed, masked men violently detained villagers at three roadblocks for several hours while a convoy of several trailer trucks entered the compound of the Tungkom Limited (TKL) gold mine and left with loads of gold ore. The trial continued on 8, 19 and 20 December 2015. TKL has charged a number of community-based human rights defenders with criminal defamation, including a 15-year-old school-girl who attended an environmental protection youth camp where she narrated a citizen-journalist news-clip alleging that several villages Loei province have been environmentally affected by water pollution from the gold mining industry. The news-clip was aired on Thai PBS, which TKL has also charged along with Thai PBS journalists.

In December 2015, Renée Mulligan participated in the meeting of civil society organizations (CSOs) in Bangkok to prepare for the UPR of Thailand. The meeting allowed CSOs to prepare joint submissions identifying Thailand's international human rights challenges for presentation to the Thai government as part of Thailand's National Consultation. Ms Mulligan highlighted concerns from the LRWC submission to the UPR, including Thailand's failure to comply with its international human rights obligations to

guarantee fair trial rights and to guarantee freedom from torture and prohibited treatment, as part of the thematic working group focusing on the administration of justice and the rule of law.

## **VIII. INTERVENTIONS AND AMICUS BRIEFS**

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### **ACCESS TO LEGAL EDUCATION**

LRWC was granted intervener status by the Ontario Court of Appeal in *Trinity Western University v Law Society of Upper Canada and the Attorney General of Canada*, on 16 December 2015. LRWC submissions are restricted to identifying Canada's international human rights obligations and the significance of international human rights in interpreting and applying the *Charter* protections at issue, namely rights to equality and non-discrimination, privacy and freedom of religion. Gavin Magrath made oral submissions on behalf of LRWC. The Court imposed conditions limiting the factums of all interveners to 10 pages with oral submission to be at the discretion of the panel hearing the appeal. Intervener status was also granted to the Canadian Bar Association, Canadian Civil Liberties Association, Seventh Day Adventist Church in Canada, Canadian Constitution Foundation, Canadian Secular Alliance, Justice Centre for Constitutional Freedoms, Out on Bay Street, OUTlaws, Association for Reformed Political Action Canada, Evangelical Fellowship of Canada, Christian Higher Education Canada, Criminal Lawyers Association, Advocates Society and the Christian Legal Fellowship.

## **IX. LETTERS FOR LAWYERS**

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LRWC wrote, helped to write, or endorsed 52 letters and statements in response to human rights abuses in 21 countries, namely: Argentina, Bahrain, Cambodia, Canada, China, Colombia, Kazakhstan, Iran, Israel, Malaysia, Lesotho, Pakistan, Philippines, Saudi Arabia, Singapore, Sudan, Syria, Thailand, Turkey, United Arab Emirates and Viet Nam. LRWC letters are intended to expose and clarify human rights abuses by identifying known facts, the international human rights law provisions engaged and the remedies required by international human rights law. These communications are directed and/or copied to state officials, NGOs concerned with the issues raised, lawyers' organizations, UN officials, treaty monitoring bodies and special mandate holders mandated to monitor human rights and to representatives of foreign governments. Communications are sometimes sent to media.

LRWC communications were sent in response to:

- the murder and death by violence of lawyers in Argentina (1), Pakistan (4) and Turkey (1) and one judge in the Philippines;
- death threats against lawyers and other human rights defenders in Pakistan, Colombia, Lesotho;
- arrests, prosecutions and convictions in contravention of internationally protected rights to liberty and fair trial rights in Bahrain, Cambodia, China, Colombia, Israel, Malaysia, Saudi Arabia, Sudan, Syria, Thailand, Turkey, United Arab Emirates and Viet Nam;
- use of vague and overly broad laws to criminalize the exercise of protected rights to expression, association, assembly, dissent and participation in public affairs in Bahrain, China, Malaysia, Saudi Arabia, Thailand, Turkey, and Viet Nam; and
- ill-treatment of people in detention in Bahrain, China, Israel, Saudi Arabia, Sudan, Thailand, and Viet Nam.

LRWC follow-up on letters and statements included: reports and complaints to UN monitoring bodies (e.g., China, Saudi Arabia, Thailand, Viet Nam), research explaining international law guarantees of frequently violated rights (e.g., rights to trial before a civilian court, timely and confidential access to

counsel), increased cooperation with other NGOs, in-country investigations (Cambodia, Thailand) and education events.

LRWC letters and statements contributed not only to the remediation of abuses, but also to international awareness of the abuses, enhanced knowledge about the requirements of international human rights laws, and increased cooperation amongst NGOs. Even when success was slow in coming, the letters provided a source of hope to individual victims. A person released wrote, “Thank you for the good work that I appreciate very much.” A person not yet released wrote through a family member to express “his gratitude and warm thanks to you all for your ongoing support for him all the way on this difficult journey.”

It is impossible to ascertain the extent to which LRWC letters and statements contributed to cases where the abuses were stopped after letters were sent. International exposure of the problem is accomplished by the combined efforts of many groups around the world. As one of those groups, LRWC seeks to educate as well as advocate. Successes in individual cases following LRWC letters included: a lawyer acquitted in Turkey, lawyers released and charges withdrawn in Sudan, a human rights defender released early and pardoned in Bahrain, journalists reporting on human trafficking acquitted in Thailand, flogging suspended in Saudi Arabia, and diplomats promising to monitor cases of concern.

## **X. INTERNATIONAL HUMAN RIGHTS LAW EDUCATION**

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Providing education about international human rights laws and standards, particularly in relation to the rule of law, the integrity of legal systems and rights to engage in and access independent advocacy is central to all LRWC work. During the reporting period LRWC, in collaboration with others, hosted four (and assisted with one) public talks focused on problems associated with governments failing to comply with international human rights obligations.

### **INTERNATIONAL HUMAN RIGHTS LAW EDUCATION EVENTS**

- *Justice for Children*: a landmark case to end discrimination by Canada against First Nations children on reserves, 15 January 2015 in Vancouver. To an overflow audience of over 200 at the Vancouver Public Library (VPL), Dr. Cindy Blackstock reviewed some of the shocking facts of continuing discrimination that gave rise to the *First Nations Child and Family and Family Caring Society & the Assembly of First Nations v. Canada* complaint before the Canadian Human Rights Tribunal. The complaint that Canada provides less funding for family and child services, including education, on reserves than provided by governments for children living off reserves was vigorously resisted throughout the six-year legal proceedings, with Canada even conducting surveillance of Dr. Blackstock. The event was co-hosted by LRWC, Amnesty International/Canada, the Hul’qumi’ num Treaty Group and the VPL. The video of this inspiring event is available [here](#). An audio of the talk was featured on Co-op Radio’s [Redeye](#) on Saturday 7 February 2015 between 11:00 and 1:00 pm/pst at FM 100.5.
- *Persecution of Lawyers and Journalists in Turkey*, 27 January 2015 in Geneva. The event coincided with the 2<sup>nd</sup> Universal Periodic Review of Turkey and was mounted to provide state representatives attending the UPR with information about Turkey’s continuing prosecution and imprisonment of lawyers and journalists for peacefully exercising protected rights in the course of discharging professional duties. At the [1<sup>st</sup> UPR of Turkey in 2010](#), many states called on Turkey to abolish laws that criminalize freedom of expression and to end prosecutions and other actions that violate Turkey’s

legal obligations to ensure and protect freedom of expression. In June 2014, LRWC, L4L, the Law Society of England and Wales and Fair Trial Watch had [submitted a joint report](#) for the 2nd UPR of Turkey that identified dozens of lawyers subjected to wrongful criminal proceedings and arbitrary detentions for peacefully exercising freedom of expression in the course of representing clients. LRWC and the Observatory for the Protection of Human Rights Defender (FIDH – OMCT) had made [joint submissions](#) to the UN Human Rights Committee on this topic in 2012. Speaking at the January 2015 event were lawyer Ayse Bingol and journalist Tayfun Ertan from Turkey and Member of the European Parliament Marietje Schaake. The event was organized by L4L and co-sponsored by Privacy International, Media Legal Defence Initiatives, Fair Trial Watch, the Law Society of England and Wales and LRWC. CIVICUS amalgamated their event with this one, bringing additional speakers.

- [\*Colombia at the Crossroads: The Struggle for Peace and Justice in Colombia\*](#), 30 October 2015 in Vancouver, BC. This evening event was the Canadian launch of the reports produced by the Fourth Biennial Colombia Caravana of Jurists visit to Colombia in August 2014. Brent Knazan of the Ontario of the Court of Justice and Vancouver-based labour lawyer Heather Neun shared their insights as delegates to the Caravana and introduced the report, [\*Colombia at the Crossroads: The vital role of lawyers and human rights defenders for real justice and peace\*](#). This report, the Judges Report and [seven separate reports on human rights crises in the seven departments visited by Caravana delegates](#), chronicle the dangers faced by jurists and other human rights defenders in Colombia—murder, arbitrary detention, unlawful surveillance, stigmatization and politically motivated prosecutions—and explore the opportunities for change presented by the peace process. These presentations were followed by human rights defender Berenice Celeita’s heart-rending account of the situation in her country, where indigenous peoples and farmers are being pushed off the land for the benefit of massive development projects promoted largely by foreign companies, including many from Canada. As a forensic anthropologist from Cali, Colombia, and President of Asociación Para la Investigación y Acción Social, Berenice has first-hand experience of the life-threatening risks taken by those who struggle to uphold the law and defend human rights in Colombia and has herself been the target of death threats and surveillance. This event, held at Simon Fraser Harbour Centre, was co-sponsored by LRWC, Amnesty International/Canada, CoDevelopment Canada and the International Commission of Jurists Canada.
- [\*Colombia at the Crossroads: The Struggle for Peace and Justice in Colombia\*](#), 30 October 2015 at UBC, Peter A. Allard School of Law, Vancouver. At this noon hour event co-sponsored by LRWC and the Social Justice Action Network, Justice Knazan and Heather Neun explained their work as Colombia Caravana delegates meeting with victims, lawyers, human rights defenders, justice system operators, as well as with government authorities and civil society groups. Their presentations were followed by an informal discussion session with the students.
- [\*Fighting the Silence: Sexual Violence against Women in the Congo\*](#), 9 December 2015, 6:00 p.m. at UBC Robson Square. This film screening and panel discussion on combating crimes of sexual violence featured a screening of the globally acclaimed film, *Fighting the Silence*, followed by a panel discussion about accountability for crimes of sexual violence domestically and internationally, with panelists [Femke van Velzen](#), director of the film, and UBC law professors [Janine Benedet](#), Associate Dean, Academic Affairs & Co-Director of the Centre for Feminist Legal Studies, and [Nicole Barrett](#), Executive Director, [Allard Prize Initiatives](#), and Former War Crimes Prosecutor,

International Criminal Tribunal for the former Yugoslavia. The evening was co-hosted by the Allard Prize for International Integrity and the Centre for Feminist Legal Studies with support from LRWC.

## **XI. LEGAL RESEARCH**

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### **LRWC PUBLICATIONS**

LRWC produced legal analyses of the extent to which practices, policies and laws did not comply with international human rights law arising from treaties and other instruments and from the decisions, comments and recommendations of treaty monitoring bodies, special mandate holders and other experts. LRWC reports are distributed widely and contribute to enhanced understating of international human rights law requirements and more effective advocacy. The research also forms the basis of many LRWC communications identifying human rights abuses and calling for remediation.

1. [\*Right to Trial by Civilian Courts: International Law on the Use of Military Tribunals to Determine the Rights of Civilians\*](#), Working Paper, Erika Chan LLB, Gail Davidson LLB, and Catherine Morris BA. JD. LLM., January 2015.
2. [\*Bill C-51 – A Legal Primer\*](#), Clayton Ruby and Nader Hasan, February 2015.
3. [\*British Columbia must enact legislation to provide legal aid in compliance with international law\*](#), March 2015
4. [\*Bill C-51 perverts the rule of law\*](#), Catherine Morris, *Law Times* and *Georgia Straight* (online), 27 April 2015.
5. *Solitary Confinement as a Form of Prohibited Treatment*, working paper, September 2015, Sadaf Kashfi
6. [\*Canada's Failure to Reduce Greenhouse Emissions\*](#), Gail Davidson and Rohan Shah, September 2015.
7. [\*Canada's Failure to Reduce Emissions: Unlawful or Above the Law?\*](#), 15 October 2015, Gail Davidson and Rohan Shah, *Monitor*, Canadian Centre for Policy Alternatives, [November/December 2015 issue](#).
8. [\*Canada's Response to the List of Issues Prior to Reporting \(LOIPR\) from the UN Committee against Torture\*](#), Gail Davidson for LRWC and the International Civil Liberties Monitoring Group, 21 December 2015.

### **COLOMBIA CARAVANA REPORTS**

LRWC delegates were involved in the International Caravana of Jurists' fourth biennial visit to Colombia from 23 to 31 August 2014. The Caravana produced a total of nine reports of the investigations conducted by sixty-eight people (judges, lawyers, academics and law students) from 12 countries who visited eight cities in seven departments of Colombia: Bogotá (Cundinamarca), Bucaramanga (Santander), Buenaventura and Cali (Valle del Cauca), Cartagena (Bolívar), Medellín, Pasto (Nariño) and Santa Marta (Magdalena).

9. [\*Colombia: the Search for Real Justice Continues: Preliminary report of the IV International Caravan of Jurists to Colombia\*](#), Colombia Caravana UK Lawyers Group, 15 January 2015.
10. [\*2014 Caravana of Lawyers Delegation: Cali/Valle del Cauca Report\*](#), Heather Neun et al, June 2015.
11. [\*Colombia at the Crossroads: The vital role of lawyers and human rights defenders for real justice and peace\*](#), Colombia Caravana Ltd, Eds. Sara Chandler, Alun Gibbs, Mary Henderson, Joanne Hutchinson, Katie de Kauwe, Rachel Lewis, Siobhan Lloyd, Heather Neun (LRWC), Sue Willman.
12. [\*Judges at Risk continued: Report of the judge delegates of the Colombia Caravana\*](#), monitoring visit 23 August to 31 August 2014, October 2015.

### WRITTEN REPORTS TO UN HUMAN RIGHTS COUNCIL BODIES

13. **Saudi Arabia:** Joint Complaint to the UN Working Group on Arbitrary Detention in the matter of Waleed Abu Al-Khair by LRWC, L4L, the Law Society of England and Wales, the Law Society of Upper Canada, the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT) within the framework of their joint programme the Observatory for the Protection of Human Rights Defenders, the International Association of Democratic Lawyers, Human Rights Watch, Union Internationale des Avocats (UIA - International Association of Lawyers), April 2015.
14. **Global:** [\*CSO Joint Statement to the 3rd Session of the Working Group on the Right To Peace\*](#), Spanish Society for International Human Rights, LRWC and 30 other CSOs in consultative status with ECSOC and 10 CSOs, 25 April 2015.
15. **Global:** [\*CSO Joint Statement: Report of the 3rd Session of the Working Group on the Right to Peace\*](#), Spanish Society for International Peace, the Observatory for the Human Right to Peace and LRWC, 25 May 2015.
16. **Thailand:** [\*LRWC Submission to the 2<sup>nd</sup> Universal Periodic Review of Thailand\*](#), September 2015.
17. **China:** [\*Mass arrest, detention and disappearance of lawyers and other rights advocates in China\*](#): Report to the Special Rapporteur on the Independence of Judges and Lawyers, Clive Ansley and Gail Davidson, 16 September 2015.

### ORAL STATEMENTS TO THE UN HUMAN RIGHTS COUNCIL

18. **Kazakhstan:** *UPR Outcomes of the UPR of Kazakhstan*, a joint statement by LRWC, L4L and the Law Society of England and Wales, presented by Judith Lichtenberg on 19 March 2015.
19. **Iran:** *UPR Outcomes for Iran: Fair trial rights* a joint statement by LRWC and L4L, presented by Phon van den Beisen on 19 March 2015.
20. **Saudi Arabia:** *Widespread and systematic violations of human rights violations in Saudi Arabia*, a joint oral statement by LRWC, L4L and FIDH/OMCT presented on 21 September 2015 by Vani Selvarajah. The video presentation can be viewed [here](#) at 14.28 or on the [UN website](#) at Chapter 42.
21. **China:** *Crackdown on lawyers and other advocates violates international law obligations*, joint oral statement by LRWC, L4L the Asian Legal Resource Centre, prepared by Clive Ansley and Gail Davidson: presented on 21 September by Vani Selvarajah. The video presentation can be viewed [here](#) or on the [UN website](#) at Chapter 15.
22. **Cambodia:** *Re: Report of the Special Rapporteur on the situation of human rights in Cambodia*, a statement by LRWC delivered on 29 September by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) at 0:56:33.
23. **Sri Lanka:** *Urgent Need for Accountability and Reconciliation*, a LRWC statement presented on 30 September by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) at Chapter 38.
24. **Thailand and other countries:** *Abuse of laws and military courts to silence civil society*, presented on 1 October by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) at Chapter 46.

### NOMINATIONS

25. Nomination to the WGAD of a representative of the Western Nations Group, April 2015.
26. Nomination of Waleed Abu I-Khair for 2015 International Bar Association Human Rights Award by LRWC, L4L and the Law Society of England and Wales, April 2015.
27. Nomination of Waleed Abu Al-Khair for the American Bar Association inaugural Human Rights Award by LRWC, L4L, the Law Society of England and Wales, The International Federation of

Human Rights (Fédération internationale des ligues des droits de l'Homme) (FIDH) and Union Internationale des Avocats (UIA - International Association of Lawyers), December 2015.

#### **ANNUAL GENERAL REPORT**

28. LRWC Annual Report 2014 for the period 1 April 2013 to 31 December 2014.

#### **NEWSLETTERS**

29. LRWC produced six Newsletters reporting on LRWC initiatives, updates of cases monitoring by LRWC and developments regarding human rights issues of interest around the world.

### **XII. WORK WITH OTHER NGOS**

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Working in cooperation with other NGOs and lawyers organizations, in accordance with LRWC's constitution, strengthens LRWC's advocacy and ensures that LRWC's research and education about international human rights laws and standards reaches and benefits as many people as possible including human rights advocates, governments officials, judicial system workers, jurists, journalists, students, teaches and victims of human rights violations. During this reporting period LRWC worked with hundreds of human rights organizations from the very small and locally engaged to the largest working globally.

### **XIII. CONSTITUTIONS**

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#### *Lawyers' Rights Watch Canada*

- To provide support internationally to lawyers and other human rights defenders whose rights, freedoms, or independence are threatened as a result of their human rights advocacy
- To promote and protect the rights of lawyers and other human rights defenders 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 lawyers to engage in independent advocacy
- To encourage ratification, implementation and enforcement of international human rights treaties that impact on legal advocacy rights, the integrity of legal systems and fair trial rights
- To encourage constitutional and legislative amendments necessary for conformity with international human rights standards relevant to lawyers, judges and human rights defenders; the integrity of legal systems; fair trial rights
- To provide research, education and public analyses with respect to the above
- To work with other human rights organizations to achieve these purposes

#### *Lawyers' 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

## **XIV. BOARD OF DIRECTORS**

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Directors of LRWC and LRW(LR)C are elected each year at the Annual General Meeting held in April and serve until the next election.

### **Directors: 25 April 2014 – 24 April 2015**

#### **LRWC**

- Clive Ansley
- Gail Davidson
- Andrew Guaglio
- Leo McGrady Q.C.
- Heather Neun
- David F. Sutherland, Chair
- Maureen Webb
- Grace Woo, Secretary/Treasurer

#### **LRW(LR)C**

- Siobhán Airey
- Lois Leslie, Secretary
- Ed Levy, Vice-Chair
- Gavin Magrath
- Robert Morales
- Catherine Morris, Chair
- Vani Selvarajah
- Margaret (Peggy) Stanier, Treasurer

### **Directors: 24 April 2015 – 29 April 2016**

#### **LRWC**

- Clive Ansley, Vice Chair
- Gail Davidson
- Julius Grey
- Carolyn McCool, Secretary
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- Grace Woo

#### **LRW(LR)C**

- Siobhán Airey
- Lois Leslie, Vice-Chair
- Gavin Magrath, Chair
- Renee Racette
- Margaret (Peggy) Stanier, Treasurer
- Vani Selvarajah
- Samina Ulla, Secretary

## **XV. LRWC DONORS, CONTRIBUTORS AND VOLUNTEERS**

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LRWC has no paid staff other than students who work part-time for a modest hourly rate. All LRWC work during this reporting period was done *pro bono* by volunteers. Money to support this work came from members' fees and donations and from the other sources listed below. Total expenditures during the reporting period were under \$25,000. The value—in dollars and successful outcomes—of the volunteer work done by LRWC members and others cannot readily be measured. This section acknowledges and thanks LRWC members and others who contributed money, travel expenses, time and expertise to the successful enhancement of international human rights worldwide. None of the work could have been done without these invaluable contributions.

#### ***Monthly Donors***

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- Gail Davidson
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- Catherine Morris
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***Pro Bono Work***

***Legal and Factual Research & Writing – Letters, statements and reports***

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Randy Robinson  
Hilary Song  
Grace Woo

***Computer Systems Assistance***

Stephen Shramm of Strategic Network Systems Inc.  
Tom's Computer Solutions

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

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