

# Lawyers' Rights Watch Canada

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

## LRWC BIENNIAL REPORT 2009

(November 30, 2006 to March 31, 2009)

*"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 protecting human rights advocates and advocacy rights.

Our mission is threefold:

- To campaign for jurists and other advocates whose rights, safety or independence are threatened because of their human rights advocacy.
- To produce legal analyses of national and international laws and standards relevant to advocacy rights and the rule of law.
- To work in cooperation with other human rights organizations.
- To engage 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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### UNITED NATIONS STATUS

LRWC was granted Special Consultative Status with the Economic and Social Council of the United Nations in July 2005.

## A MESSAGE FROM THE EXECUTIVE DIRECTOR

As states continue to dismantle rights and violate or ignore law in the name of security, the work of LRWC and other human rights NGOs is more vital than ever. Within the community of human rights NGOs, LRWC fills a unique role. LRWC work complements the work of NGOs that collect information and report on human rights and rule of law violations by providing necessary legal analyses of reported violations and identifying the remedies required.

LRWC work in all areas—defending defenders, research and writing on rule of law and advocacy issues, human rights training and education, publication of statements and reports, participation in the human rights monitoring systems of the United Nations and the Organization of American States, cooperating with other NGOs and contributing to the domestic civil society community—expanded and improved during the reporting period. LRWC’s leadership and excellence in these areas earned the support of NGOs around the world. LRWC statements and reports, consistently reliable and articulate, were endorsed by over 60 NGOs.

In the coming period, LRWC should increase participation in the United Nations (UN) and Organization of American State (OAS) human rights monitoring systems, examine how to enrich working relationships with NGOs contacted during the reporting period, refine country and issue monitoring groups and continue to share LRWC’s legal resources through research and writing and education. LRWC continued to spend money carefully: work was done by volunteers and funds for expenses came from membership fees and donations from members and non-members. To continue the scope and quality of the work accomplished during the reporting period, LRWC requires money for more travel, paid staff and website development.

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## ACTIVITIES IN REPORTING PERIOD

### A. EDUCATION

Widely available human rights education is a cornerstone to closing the gap between human rights law and practice domestically and internationally. The *Universal Declaration of Human Rights* and most major international human rights instruments have long obliged states to provide comprehensive public human rights education. The failure of states to live up to this obligation led the UN Human Rights Council (UNHRC) to pass a Resolution in September 2007 directing the Human Rights Advisory Committee to “prepare a draft declaration on human rights education and training.” Aware that no ongoing and universally accessible human rights education and training programmes were currently available in Canada, LRWC organized the following pilot series of lectures that were presented in cooperation with University of British Columbia Centre for Continuing Studies (UBC/CCS):

#### **Global Peace and Human Dignity – Spring 2008 Lectures**

- *The Development of International Human Rights and Humanitarian Law* by Claire L’Heureux-Dubé on January 26/08.
- *Bush’s War on the Rule of Law* by Professor Marjorie Cohn on February 23/08.
- *Security Integration and Rights Disintegration in the War on Terror* delivered by Maureen Webb on March 15/08.

- *Transferring to Torture: Canada, Human Rights and Detainees*, by Dr. Michael Byers on April 19/08.

The lecture series was a resounding success. Through the use of multiple distribution systems including classroom presentation at the Robson Square theatre in Vancouver, real-time online distance participation available world-wide, webcasts and podcasts of the lectures available online world-wide, re-broadcasts to television cable subscribers in the Lower Mainland of BC and re-broadcasts on community radio world-wide, the lecture series was able to reach thousands of people. DVDs of the lectures are now also available as well as print copies of the lectures by the Claire L'Heureux-Dubé and Maureen Webb.

Responses from participants confirmed that individuals and NGOs view international human rights and humanitarian law education and training (IHL) education as necessary to the attainment of global peace and justice. NGO representatives interviewed identified an urgent need to establish a system for the delivery of ongoing, high quality, free, public IHL education in BC and Canada to facilitate informed public debate and responsible participation in public affairs. LRWC's report on the pilot series concluded that addressing this need will require substantial public funds and cannot be sustained on a volunteer basis. LRWC will continue to provide and promote human rights education and training as a regular part of our work.

#### **Other LRWC Education Initiatives**

LRWC has also submitted a proposal for international human rights and humanitarian law education and training to Calgary Centre for Global Community which is in the development stage.

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## **B. COUNTRY VISITS AND INVESTIGATIONS**

LRWC members conducted in-country investigations and visits in Pakistan, Singapore, Guatemala and the Philippines and went to Singapore to further monitor defamation proceedings.

### **B.1 BRAZIL**

LRWC sought protective measures for an advocate under attack by filing an intervention petition with the Inter-American Commission on Human Rights (IACHR) and pursuing the matter through communications with the IACHR and the advocate under attack, and by working with FrontLine, a Dublin-based NGO also working on the case. An intervention petition was prepared in another case but not filed when the situation resolved. The International Association of People's Lawyers (ISPL) invited LRWC to participate in a fact finding mission to Brazil from December 1-7, 2008 to investigate attacks on peasants involved in land struggles and the ability of lawyers to defend them. LRWC agreed to provide legal research support through Brazil Monitor Paulo de Tarso Arantes.

### **B.2 CHINA**

The absence of an independent judiciary and the failure by the state to recognize and protect basic advocacy rights remain a grave problem in China. Attacks on lawyers and other advocates carried out by state officials worsened during the reporting period. Intimidation of advocates often culminated in malicious prosecutions and jail sentences. LRWC China Monitors Clive Ansley, Benjamin Levine and Ellen Gilley were active writing letters on specific cases, and Ansley wrote and spoke extensively about the gravity of the situation facing human rights defenders in China. Mr. Ansley spoke at public fora in Taiwan, Canada and Washington, D.C., and on English and Mandarin radio and television in Canada.

Ansley wrote two articles on the Chinese judicial system. LRWC filed a report with the UNHRC outlining the failure of the Chinese government to provide and protect both judicial independence and advocacy rights. This report was filed with the UNHRC September 1st 2008 for consideration on the UPR of China in February 2009.

### **B.3 GUATEMALA**

LRWC Monitor James Tate visited Guatemala from September 10–15, 2007 to investigate and report on attacks on lawyers and other human rights defenders, to re-establish previous contacts (with ODHAG and others) and to make new contacts, for example, with the newly established UN OHCHR office under the direction of UN representative Anders Kompass. Mr. Tate, along with a representative from the Canadian Embassy, met with Guatemalan officials in the “Fiscalia Delitos Cometidos contra Operadores de Justicia” and made inquiries about ongoing investigations.

On behalf of LRWC, Heather Neun met with lawyers in Guatemala from March 17-31 2008 regarding security and independence safeguards for jurists in Guatemala. After her field trip, Ms Neun brought the need for Canadian support for the International Commission Against Impunity in Guatemala (CICIG) to the attention of other Canadian NGOs involved with Guatemala and also wrote to the Canadian government. A joint lobbying effort ensued and in December 2008 the Canadian government pledged \$5 million in assistance for CICIG.

In response the murders of and attacks on Guatemalan jurists, Brenda Wemp and Heather Neun wrote letters calling for better protective measures, proper investigations of attacks and prosecutions of suspects. Isabel Stramwasser is working with Guatemalan jurists to research and develop recommendations for effective protective measures.

### **B.4 PAKISTAN**

For two years between March 2007 and 2009 lawyers, judges and civil society activists in Pakistan have risked their lives, freedom and livelihoods to publicly and peacefully advocate for the rule of law and access, through an independent judiciary, to peaceful legal means of resolving disputes and restricting state power. They resoundingly rejected state officials displacing the law in the name of security. The advocacy of lawyers for the restoration of the judiciary and the Constitution was effected through court challenges, boycotts of courts headed by unconstitutionally appointed judges, public speaking, country-wide demonstrations, and two ‘Long Marches’ across Pakistan to the capital of Islamabad. The government responded with promises not kept, on one hand, and police violence and repression of media and civil liberties on the other. Thousands of people, including many lawyers, were arrested, judges were deposed, the Chief Justice and many of the deposed judges were placed under house arrest, many people were injured, and some were killed.

The protests began in March 2007 when Pervez Musharraf, then President and Chief of Army Staff, summarily sacked and arrested Chief Justice of the Pakistan Supreme Court (PSC) Iftikhar Chaudhry after Chaudhry made decisions unpopular with the military regime. Although the Chief Justice was temporarily restored to office by order of the PSC in July 2007, when the Supreme Court was about rule on Musharraf’s right to re-election, Musharraf removed him from office again on November 3, 2007, along with more than 60 other judges. On that date, Musharraf declared Emergency Measures, suspended the Constitution and removed all superior court judges except those taking an oath to refuse cases challenging the legitimacy of actions by Musharraf and other state officials.

LRWC support for the Pakistan Lawyer’s Movement began with a statement on March 19, 2007 calling for the re-instatement of Chief Justice Chaudhry, and has continued to date. LRWC worked with

lawyers in Pakistan and around the world to produce regular statements and letters supporting the restoration of the judiciary and the Constitution and adherence to international human rights standards. LRWC issued over 20 public statements and open letters, many of which were endorsed by other NGOs including the LSUC, ALRC, NLG, LWB/C, the International Association of Democratic Lawyers and the American Association of Jurists. In February 2008 LRWC filed a report with the UNHRC outlining the illegality of the emergency measures. The report was endorsed by 17 NGOs representing thousands of lawyers around the world. In March 2008 LRWC's Gail Davidson traveled to Geneva to make an oral presentation to the UNHRC. A key element of LRWC's work on the issue was the bringing together legal and human rights NGOs from around the world to join in supporting the Pakistan Lawyer's Movement advocacy for the rule of law.

The struggle for the rule of law met with significant success on March 16, 2009 when Prime Minister Gilani announced that all judges sacked for refusing to sign the oath imposed by Musharaff would be re-instated and that Chief Justice Chaudhry would be re-instated immediately. As Aitzaz Ahsan, former President of the Pakistan Supreme Court Bar Association, counsel for the Chief Justice and leader of the Lawyers Movement observed, "[t]he Lawyers Movement was progressive, moderate, non-violent, plural, secular and remained united on a common goal for two years." This in the face of often violent persecution, where "lawyers and members of civil society involved in public advocacy for the return of the judiciary were beaten, jailed, sprayed with acid and killed." At an April 2009 reception in Hong Kong, Mr. Ahsan praised the quality of LRWC's support for the Lawyers Movement and the significance of that support to their success.

LRWC's Pakistan work illustrates the power of persistent, dedicated and measured advocacy and of the well-written word. It also illustrates the importance of drawing together support from the international human rights community. LRWC will continue to support the heroic work of lawyers and other human rights defenders in Pakistan to uphold the rule of law. John Cotter, Gail Davidson and Cara Gibbons were responsible for ongoing Pakistan monitoring and writing. LRWC members Peggy Stanier and Grace Woo, along with Marjorie Cohn for NLG, Pascal Paradis for LWB/C and Devon Theriott-Orr for RL/UL also contributed to the UNHRC report. On March 19, 2009 a Pakistan colleague wrote, "*Thank you very much for supporting us. You did a great job for the lawyers' movement in Pakistan. It's your success and we are proud of you.*"

## **B.5 PHILIPPINES**

Between 2001 and 2006, twenty-five jurists and more than 800 people engaged in community affairs were murdered in the Philippines. The Dutch Lawyers for Lawyers (L4L) chronicled the murder of lawyers and judges in their July 2006 report, *From Facts to Action: Report on the Attacks against Filipino Lawyers and Judges*, based on an in-country investigation conducted in cooperation with CODAL and the National Union of People's Lawyers (NUPL). The Arroyo regime's claim that the murders and disappearances were the result of purges within opposition groups was laid to rest in the May 2007 report by UN Special Rapporteur on Extra-Judicial Killings Philip Alston which attributed responsibility for most of the murders to the Armed Forces of the Philippines (AFP). Subsequent to Mr. Alston's report the wave of killings and disappearances slowed but as yet there have been no investigations which have culminated in prosecutions of the perpetrators. L4L conducted a second fact finding mission from November 4-13, 2008, to investigate the status of investigations of the murders recorded in the 2006 report, to collect information on more recent attacks, and to investigate government response to the killings. L4L's second report is expected soon.

During the reporting period LRWC published a report by David Gibbons in December 2006, published a legal brief by Matthew Stacey and participated in a Roundtable discussion in September 2007, met with representatives of L4L and NUPL in Geneva in March 2008, and endorsed an oral intervention to the

UNHRC made by jointly by several NGOs on March 13, 2008. LRWC continues to support the work of L4L, ALRC, NUPL to prevent and punish murders and other attacks on human rights defenders in the Philippines.

## B.6 SINGAPORE

LRWC has been monitoring and reporting on rule of law and advocacy rights issues in Singapore since 2001. Issues of concern to LRWC have been: lack of judicial independence, the PAP's (the ruling People's Action Party) use of defamation suits to punish human rights advocates and interference with the independence of lawyers, and the resulting reluctance of lawyers to represent causes or clients unpopular with the PAP.

In October 2007 LRWC published, and with the assistance of AI, distributed, *Rule of Law in Singapore: Independence of the Judiciary and the Legal Profession in Singapore*, by Kelley Bryan. We believe this brief was a key factor in impelling the production and influencing the recommendations of the International Bar Association's July 2008 report on the rule of law in Singapore.

In February 2009 Ms Bryan traveled to Singapore and met with M. Ravi, a leading human rights lawyer often targeted by the PAP for representing opposition parliamentarians and opposing the death penalty.

LRWC and Francis Seow, former Singapore Solicitor-General and visiting fellow at Harvard Law School, jointly nominated Singapore's Dr. Chee Soon Juan for the 2008 Martin Ennals Award for Human Rights Defenders. The award went to Uzbekistani human rights defender Mrs. Mutabar Tadjibaeva sentenced to eight years in prison for criticizing the government.

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## C. ATTACKS ON ADVOCACY RIGHTS

**GUANTÁNAMO BAY:** LRWC engaged in a number of actions directed at identifying violations of the advocacy and fair trial rights of Guantánamo Bay prisoners. In January 2007 LRWC wrote to U.S. officials protesting remarks made by then Deputy Assistant Secretary of Defense Charles Stimson impugning the integrity of attorneys acting pro bono for Guantánamo Bay clients and warning that CEOs were "going to make those law firms choose between representing terrorists or representing reputable firms."

**Omar Khadr case:** Decisions first of the U.S. Supreme Court, and then of the Federal and Supreme courts of Canada affirm that the internationally protected rights of Canadian citizen Omar Khadr were violated during his imprisonment in Guantánamo Bay. LRWC wrote a letter calling for Khadr's release from U.S. custody and repatriation to Canada and later filed a report for consideration by the UNHRC on the Universal Periodic Review (UPR) of Canada that explained how Canada had failed in its obligation to prevent, punish and remedy violations of Omar Khadr's internationally protected rights and outlined Canada's duty to secure his release and repatriation. The report was endorsed by 46 NGOs including the United Church of Canada, the Ontario Federation of Labour, the National Lawyers Guild, and Lawyers Without Borders/Canada.

LRWC also engaged in a number of education initiatives including the presentation of a talk on *Canada's Duty to Protect Human Rights Abroad: The Case of Omar Khadr*, at the University of Calgary (September 12, 2008), the UBC Faculty of Law (October 9, 2008) and at the Amnesty International (AI) teach-in, 'Countering Terror with Justice,' in Vancouver (January 17, 2009). Maureen Webb, along with AI head Alex Neve and Khadr's Canadian lawyer, Dennis Edney, spoke about the Khadr case at a

February 12 2009 event for press and parliamentarians on Parliament Hill. LRWC produced a press package and draft briefs on the right to an independent judiciary, the independence of tribunals created by the *Military Commissions Act 2006* (MCA), and the duty to protect fundamental freedoms of Canadian abroad.

***Khalid Sheikh Mohammed case:*** LRWC sent a complaint to UN Special Rapporteur on the Independence of Judges and Lawyers Leandro Despouy, (May 22, 2008) after U.S. authorities refused to allow U.S. attorneys David Nevin and Scott McKay access to Guantánamo Bay prisoner Sheikh Mohammed, whom they intended to represent. LRWC reported that the refusal violated international customary law requirements that access to counsel be timely, confidential and free from interference, and had irremediably prejudiced Mohammed's right to defend the MCA charges. The U.S. allowed counsel access and LRWC representative Paulo de Tarso Lugo Arantes followed up by meeting with Mr. Despouy and other UN mandate holders in Geneva.

**SECURITY CERTIFICATES - CANADA:** In February 2007 the Supreme Court of Canada (SCC) in *Charkaoui v. Canada* struck down the *Immigration and Refugee Protection Act* (IRPA) security certificate process on the grounds that some procedures violated rights to liberty and habeas corpus guaranteed by the *Charter of Rights and Freedoms*, sections 7, 9 & 10. The SCC suspended the ruling for one year, giving the government one year to pass requisite amendments. When Bill C-23: An Act to Amend the IRPA, was tabled in October 2007, many jurists and human rights specialists were sharply critical of the bill. LRWC and approximately 20 other NGOs were accepted to give evidence to the Senate Special Committee on Anti-Terrorism regarding Bill C-23 and Paul Copeland made written and oral submissions on behalf of LRWC on February 11, 2009.

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## D. LETTERS FOR LAWYERS

The written word continues to be one of LRWC's most effective tools to defend defenders. Advocates in danger report that every letter makes a difference. LRWC letter writing has expanded to include complaints to UN mandate holders, intervention in proceedings before the Inter-American Commission of Human Rights (IACHR), open letters and public statements. LRWC members produced over 100 letters and 30 public statements and open letters, in English, French, Chinese, Spanish, Portuguese, Arabic, Persian and Russian, on behalf of thousands of advocates in 33 countries:

*Afghanistan, Bangladesh, Bolivia, Brazil, Burma, Cambodia, Canada, Colombia, China, Congo, Ethiopia, Guatemala, Haiti, India, Iran, Iraq, Mexico, Nepal, Pakistan, Philippines, Russia, Saudi Arabia, Singapore, South Africa, Sudan, Syria, Thailand, Turkey, Uganda, United Kingdom, United States, Uzbekistan and Zimbabwe.*

Letters were generally written in response to individual cases while public statements and open letters were produced in response to advocacy or rule of law issues with wide reaching implications. Public statements were more widely distributed than letters and were often produced in cooperation with, or endorsed by other NGOs. The use of public statements enabled LRWC to maintain a commentary on fluid and sometimes volatile situations. Public statements were produced in response to issues in Bangladesh, Burma, Mexico, Pakistan and Syria. As demonstrated by LRWC's work in support of the Pakistan Lawyers Movement, public statements, particularly when produced over an extended period of time and in cooperation with other NGOs, have proven to be very effective both in highlighting violations and identifying remedies. NGOs cooperating on public statements included: Dutch Lawyers for Lawyers (L4L), Bar Human Rights Committee of England and Wales (BHRC), National Lawyers Guild (NLG), Lawyers without Borders/Canada (LWB/C), American Association of Jurists (AAJ), Rule of Law Project at the University of Lahore (RLP/UL), Law Society of Upper Canada (LSUC) and Iniciativa Mexico.

**E. PUBLICATIONS/LEGAL RESEARCH:**

- *Report on Attacks against Advocates in the Philippines*, David Gibbons, December 21, 2006.
- *Proposal to the Calgary Centre for Global Community: International Humanitarian and Human Rights Law Centre: Promoting the Realization of Human Rights through Enhanced Understanding of the Law and States' Duties Therein*, Siobhán Airey and Gail Davidson, May 2007.
- *Zimbabwe Update*, Charles B. Davison, August 2007.
- *The Duty of the Philippines Government to Investigate Extra-Judicial Killings*, Matthew Stacey, September 2007.
- *Rule of Law in Singapore: Independence of the Judiciary and the Legal Profession in Singapore*, Kelley Bryan, October 2007.
- *Chinese 'Courts': Western Governments and the Spirit of Berlin 1936*, Clive Ansley, *The Verdict*, Issue 114, October 2007.
- *Syria Country Report 2007*, Michael Macaulay and Caitlin Fell.
- *The Development of International Human Rights and Humanitarian Law*, Claire L'Heureux-Dubé, January 26, 2008.
- *Statement by Lawyers Rights Watch Canada to the Seventh Session of the Human Rights Council Regarding Unlawful Emergency Measures in Pakistan*, February 20, 2008.
- *Submissions to the Senate Special Committee on Ant-Terrorism on Bill C-3*, Paul Copeland, February, 11th 2008.
- *Report on Bill C-3*, Tony Southgate, February 2008.
- *Security Integration and Rights Disintegration in the Post 9-11 World*, Maureen Webb, March 2008.
- *Iran Monitor Brief for 2007-2008*, Tina Parbhakar, April 2008.
- *Summary of the Reports of the Special Rapporteur on the Independence of Judges and Lawyers*, Leandro Despouy, Shireen Sondhi, LLB, April 2008
- *Summary of the Reports of the Special Representative of the Secretary-General on Human Rights Defenders*, Hina Jilani, Shireen Sondhi, April 2008
- *Report on the Special Session of the Human Rights Council on Food Crisis*, Paulo de Tarso Lugon Arantes, 22 May 2008.
- *Promoting Global Peace and Human Dignity: Review of LRWC Lecture Series on International Human Rights and Humanitarian Law, Spring 2008*, Siobhán Airey, June 2008.
- *The Real Disgrace*, Charles Davison, Gail Davidson, Steven Kelliher, Claire L'Heureux-Dubé, and James Tate, Ottawa Citizen, June 21, 2008.
- *Shaping the National Stage for a New Era of Rights*, Michael Jackson QC, June 2008.
- *Universal Periodic Review of China: Report of Lawyers Rights Watch Canada (LRWC)*, to the United Nations Human Rights Council, September 1, 2008.
- *Universal Periodic Review of Canada: Report of Lawyers Rights Watch Canada (LRWC)*, to the United Nations Human Rights Council, September 8, 2008.
- *Iran Report 2008*, Tina Parbhakar, February 2009.
- *The Erosion of Advocacy Rights since September 11, 2001*, Charles B. Davison, February 2009.

LRWC's work to expose, prevent and remedy attacks on advocates was referred to in *The Art of Political Murder: Who Killed the Bishop*, Francesco Goldman's award winning book about the trial of the killers of Guatemala human rights advocate Bishop Gerardi, and in Linda Diebel's book, *Betrayed: the Assassination of Digna Ochoa*.



## **F. COOPERATION WITH OTHER NGOs:**

LRWC worked with a significantly increased number of NGOs during this reporting period and expanded areas of cooperation to include research, report and public statement writing, public events, online and in-class education, intervention in IACHR proceedings, and UN participation. More than 50 NGOs endorsed and some, including ALRC, LSUC, NLG, RLP/UL, LWB/C and L4L participated in drafting LRWC reports and statements. In education delivery LRWC worked in cooperation with UBC/CCS, BC campus and the Vancouver Community Television Network to present the Spring 2008 Global Peace and Justice lecture series and interviewed more than a dozen NGOs to assess human rights education and training needs. LRWC also worked with a dozen NGOs including AI, PCTFHR, CETCDA, as well as with UBC and the University of Calgary, to present public events aimed at raising awareness of human rights issues. LRWC worked with several NGOs in making joint oral interventions before the UNHRC. The quality and efficacy of LRWC work was enhanced by such cooperation.

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## **G. CONFERENCES**

John Cotter attended the ‘International Criminal Bar Council Meeting & Joint Seminar on International Criminal Law’ in Tokyo, May 18-20, 2007, hosted jointly by the International Criminal Bar (ICB), the Japan Federation of Bar Associations (JFBA), and The Law Association for Asia and the Pacific (LAWASIA). A one-day ICB meeting focusing on the dilemmas facing the defence bar at the International Criminal Court (ICC) was followed by a two-day seminar examining international criminal law in Asia and Japan’s role as a ratifying state in the ICC.

LRWC was invited to send a representative to the ‘2008 Human Rights Law and Policy’ conference in Melbourne Australia on June 16-17. Michael Jackson QC attended the conference of lawyers and other human rights advocates on behalf of LRWC, and spoke to the group about LRWC’s work advocating for advocates.

The Social Justice Lawyer's Forum 2009 hosted by the University of Windsor Faculty of Law on March 19, 2009 invited LRWC to speak at the forum and lawyer Kelley Bryan from Toronto attended on behalf of LRWC. Ms Bryon joined representatives from Lawyers Without Borders, Canadian Lawyers Abroad, the Access to Medicines Project at Essential Action, as well as social justice lawyers working in their local communities. She spoke about the role and activities of LRWC and her personal path as a lawyer. It was an exciting opportunity to share knowledge with international and local organizations, as well as to raise LRWC's profile with professors and students.

Gail Davidson will attend the ‘Fifth Consultation on the Asian Charter on the Rule of Law’, hosted by the Asian Human Rights Commission in Hong Kong from April 19-24, 2009. Lawyers from 25 Asian countries will focus on ‘Concerns regarding the Legal Profession in Asia’ during the five-day consultation.

## H. COMMUNITY EVENTS

### H1. Public Fora

**Roundtable discussion on the deteriorating human rights situation in the Philippines, September 18, 2007, Vancouver.** Organized by the Philippines-Canada Task Force on Human Rights (PCTFHR), LRWC members Gail Davidson (as a panelist), Matthew Stacey (author of brief) and Ning Alcutas (organizer of event) participated in the event. Many NGOs were represented.

**‘Pakistan Under the Gun: Perspectives on Human Rights, Democracy & the Rule of Law,’ December 11, 2007, Vancouver.** A public forum sponsored by LRWC, India Pakistan Network, South Asian Network for Secularism and Democracy, and the Vancouver and District Labour Council. Lawyer Asif Karim and journalist Ejaz Ahmed spoke by phone from Pakistan. G. Davidson was one of four panel members and spoke about *The Illegality of Emergency Measures in Pakistan*.

**‘Homage to Digna Ochoa’ October 24, 2008, Vancouver.** Organized by Building Bridges Human Rights, this event recalled the unresolved October 2001 murder of Mexican human rights lawyer Digna Ochoa. Leo McGrady gave a talk about LRWC’s work to expose the failed investigation.

**Consortium for Peace Studies, University of Calgary, Calgary AB, September 12, 2008.** Hosted a lecture by G. Davidson on *Canada’s Duty to Protect Human Rights Abroad: The case of Omar Khadr*.

**Law & Society at the University of BC Faculty of Law, October 9, 2008.** Hosted a talk by G. Davidson which was video-taped and re-broadcast on community cable networks and posted online.

**The BC Human Rights Coalition and the United Nations Association in Canada/Vancouver branch** hosted a 60th Anniversary of the Universal Declaration of Human Rights, December 10, 2008. G. Davidson gave a short talk on *The UDHR and the disintegration of human rights in the name of security*.

**‘Counter Terror with Justice Teach-in,’ Simon Fraser University, January 17, 2009.** Amnesty International hosted event in which G. Davidson spoke about the closure of Guantánamo Bay and the Omar Khadr case.

**Social Justice Film Festival, January 23, 2009** in White Rock BC featured the video of Maureen Webb’s lecture *Illusions of Security: Rights Disintegration in the Post 9/11 world*, followed by a discussion led by G. Davidson.

### H2. LRWC Fundraising Dinner

LRWC held its first fundraising dinner on October 4, 2007 in Vancouver. The keynote speaker University of British Columbia (UBC) President Stephen Toope was introduced by Stephen Owen, UBC Vice President, External, Legal and Community Relations. Dr. Toope gave an excellent talk on “Law, Education and Social Change.” The dinner was attended by 200 people and an opportunity to raise community awareness of its international human rights work and funds to support that work.

## I. UNITED NATIONS PARTICIPATION

LRWC has Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations which entitles LRWC to participate in ECOSOC proceedings in a number of ways including attending UN meetings, appointing representatives, presenting written statements and participating in the development of ECOSOC goals. LRWC's participation in UN processes during the current reporting period included written and oral submissions to the UNHRC and to mandate holders, much of which was done in cooperation with other NGOs.

### Reports

LRWC filed three 1500-word reports with the UNHRC and submitted suggested text for inclusion in the 'Draft Declaration on Human Rights Education and Training.'

*Statement by Lawyers Rights Watch Canada to the Seventh Session of the Human Rights Council regarding unlawful emergency measures in Pakistan*, February 20, 2008. This report was endorsed by 16 NGOs representing thousands of lawyers around the world and made a significant contribution to understanding the illegitimacy of measures imposed during emergency measures.

Through the Universal Periodic Review (UPR), a new process introduced in 2006, the UNHRC conducts a review of each member state's fulfillment of human rights obligations and commitments once every four years. The UNHRC's review is based on three reports: the state's report, a report of NGOs as summarized by the Office of the High Commissioner for Human Rights (OHCHR), and a summary of information prepared by the OHCHR.

On September 1, 2008 LRWC's *Universal Periodic Review of China: Report of Lawyers Rights Watch Canada*, which identified the absence of an independent judiciary and of safeguards protecting the advocacy rights of lawyers and other human rights defenders in China, was included in the OHRHC summary of the 46 NGO reports filed.

On September 8, 2008, LRWC's report, *Universal Periodic Review of Canada: Report of Lawyers Rights Watch Canada*, which identified Canada's failure to prevent and punish violations of the internationally protected rights of Canadian citizen Omar Khadr and Canada's acquiescence to, and participation in, US violations of those rights, was endorsed by 46 NGOs. Similar concerns reported by 36 NGOs were included in OHCHR NGO report summary as was LRWC's recommendation for release and repatriation.

LRWC recommendations in the case of Canada were not included in the working group report and in the case of China were glossed over with text about the apparent intention of existing and/or planned laws. Consequently the state reports—due in June—will not have to address the critical concerns raised by the LRWC reports. Other NGOs critical of the outcomes recommend continued participation in the UPR process and its reform. LRWC will continue to participate pursue the issues raised.

### Oral Interventions

Gail Davidson made an oral intervention to the UNHRC on March 8, 2008 about need for the UNHRC to act to support the restoration of the judiciary and the constitution in Pakistan. LRWC also endorsed, and in some cases helped draft, oral interventions by other NGOs including:

- to the 6<sup>th</sup> Session of the UNHRC about Pakistan in December 2007
- to the 7<sup>th</sup> Session of the UNHRC about the extra-judicial killings of jurists in the Philippines, March 13, 2008

- to the 7<sup>th</sup> Session of the UNHRC about disappearances and other human rights violations in Bangladesh, Sri Lanka and Nepal, March 2008.
- to the 10<sup>th</sup> Session of the UNHRC about torture and disappearances in Pakistan, Sri Lanka and Thailand March 17, 2009.

### **Attendance at UNHRC and ECOSOC meetings in Geneva**

Gail Davidson attended the 7th Session of the UNHRC in Geneva and met with UN High Commissioner of Human Rights Louise Arbour, Special Rapporteur on Torture Manfred Nowak and Special Representative on Human Rights Defenders Hina Jilani and with representatives of L4L, ALRC/AHRC and the NUPL. LRWC member and LRWC's permanent representative at the UN in Geneva Paulo de Tarso Arantes, who lives in Switzerland, attended ECOSOC meetings and met with UN human rights mandate holders on cases and issues of interest to LRWC. Judith Lichtenberg, Executive Director of the Dutch Lawyers for Lawyers (L4L) attended the 6th Session of the UNHRC as a representative of LRWC.

Attendance at the UNHRC has enabled LRWC to:

- a) effectively speak in support of the rule of law and lawyers in Pakistan and to advocate for cases and issues brought to the attention of UN monitors by LRWC;
- b) increase and enhance cooperation with other NGOs;
- c) use LRWC's Special Consultative status to contribute to the implementation and enforcement of standards underlying meaningful advocacy rights through the UN system.

LRWC's UN participation illustrates the value of LRWC role to provide legal analyses of violations and remedies that complement the work of NGOs that identify and report on abuses and advance better understanding of the law. In doing so, LRWC work helps lay the groundwork for improved implementation, enforcement and reform.

### **Organization of American States – Inter-American Commission on Human Rights (IACHR)**

On March 4, 2008 LRWC's Brazil monitor Paulo de Tarso Lugon Arantes filed a Petition (in Portuguese) with the IACHR on behalf of Brazilian advocate Dr. Daniel Ponte, asking the IACHR to recommend and the IACtHR to order the government of Brazil to:

1. immediately provide effective protection for Dr. Ponte;
2. commence an impartial and independent investigation of the threats against Dr. Ponte and to identify perpetrators through appropriate prosecutions and trials.

Mr. Arantes has continued to advocate for Dr. Ponte through communications with IACHR and Brazilian officials and to coordinate LRWC's advocacy with that of Front Line/Protection of Human Rights Defenders.

## J. MEMBERSHIP

LRWC has 273 members.

### J.1 DONATIONS

LRWC is funded solely through membership fees and by donations of money and time from members and non-members. Members generously donated their time to travel, conduct investigations, research, attend conferences, speak at public events and write reports, legal opinions, public statements and letters. LRWC is grateful for the generosity of all of our donors and the strength of their commitment to defend human rights defenders around the world. LRWC is also grateful for the ongoing support from our volunteers and from non-member donors.

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*The Use of Defamation in Singapore – Kelley Bryan & Howard Rubin QC*  
*Attacks on Advocacy Rights – Gail Davidson & Charles B. Davison*  
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### **Report Writing and Research**

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*Clive Ansley*  
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## **J.2 VOLUNTEERS**

Special thanks to Lauren (Rong) Liang who has been LRWC's regular weekly volunteer for over six years and is now leaving to start her articles and to Siobhán Airey for her central role in the creation and delivery of the Global Peace and Justice law lecture series. Thanks also to LRWC members, students from UBC ProBono Students, University of Ottawa Human Rights Institute and UBC Alma Mater Internship Programme and volunteers from universities and communities across Canada who gave generously of their time and expertise.

## **CONSTITUTION - LAWYERS RIGHTS WATCH CANADA**

Incorporated June 2000

- 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.

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## CONSTITUTION

### LAWYER'S RIGHTS WATCH (LEGAL RESEARCH) CANADA

Incorporated January 2, 2002

- 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

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