

Lawyers' Rights Watch Canada

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

LRWC ANNUAL REPORT 2010

(April 1, 2009 to March 31, 2010)

"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

Defending defenders through advocacy, research, education and cooperation with other NGOs continues to be urgently needed around the world. LRWC increased efforts during this reporting period to protect advocates in danger and promote better understanding of the need for ‘*in place and in force*’ laws to safeguard advocacy rights and guarantee universal access to independent courts. Throughout the year advocates in danger and NGOs expressed gratitude for LRWC’s work, echoing the words of a Philippine lawyer imprisoned on false murder charges, “Your letter persuaded authorities to release me.”

In summary LRWC members continued to do, “exceptional work in promoting international standards aimed at protecting the rights and the work of human rights advocates worldwide.”¹ Some highlights of the *pro bono* work done by LRWC members:

- Letters for lawyers continues to be an effective first response;
- In-country investigations—one to Mexico and two to Cambodia—once again prove the best way to investigate systemic abuses, identify remedies and create working relationships with human rights defenders;
- Reporting, legal research and writing exceeds that done in any other year;
- LRWC collaboration with other human rights NGOs continues to strengthen;
- Human rights education at all levels fuels improved recognition of rights;
- United Nations participation increases:
 - LRWC Country Monitors produce reports outlining patterns of attacks on jurists in seven countries at the invitation of the UN Special Rapporteur on the independence of judges and lawyers;
 - LRWC files written statements for all three sessions of the UN Human Rights Council (HRC);
 - LRWC files a Formal Complaint on the Omar Khadr case at the invitation of Manfred Nowak, UN Special Rapporteur on Torture. As a result Professor Nowak issues urgent action requests for the release and repatriation of Omar Khadr to the governments of Canada and the U.S.;
 - LRWC members produce analyses of key issues and reports on LRWC activities;
 - LRWC representatives attend three sessions of the HRC and other UN meetings and Special Sessions in Geneva and the 64th session of the UN General Assembly in New York.

Thank you to the LRWC members who did this work and to the donors who funded it. I look forward to another year of our working together to *defend defenders* worldwide. I hope the increase in *pro bono* work by LRWC members will be matched by an increase in monetary donations to support this important work.

¹ On the 56th anniversary of the Universal Declaration of Human Rights, LRWC received the Renate Shearer Award from the United Nations Association of Canada and the British Columbia Human Rights Coalition for, “*exceptional work in promoting international standards aimed at protecting the rights and the work of human rights advocates world wide.*”

ACTIVITIES IN REPORTING PERIOD

A. IN-COUNTRY INVESTIGATIONS

A.1 CAMBODIA

In 2009 LRWC Cambodia monitor Catherine Morris conducted two visits to Cambodia to investigate key problems with the independence of the bench and bar in Cambodia, and to identify challenges and obstacles to effective intervention on these issues. The first was a brief visit on May 28, 2009, where Ms. Morris met with lawyers, the Bar Association of the Kingdom of Cambodia and the Cambodia Office of the UN High Commission for Human Rights.

During a second visit August 11 - 19, Ms. Morris had more than two dozen visits with lawyers, legal aid workers, human rights organizations, government officials, and an official of the Bar Association of the Kingdom of Cambodia (BAKC). She also monitored a Court of Appeal hearing August 17, 2009 in the case of two individuals wrongly convicted of the 2004 murder of labour rights leader and trade union official Mr. Chea Vichea. Ms. Morris also met with human rights advocates in Thailand who monitor human rights in Cambodia.

Background

Since 2004 there has been concern about erosion and apparent undermining of the independence and integrity of the legal profession in Cambodia. Persistent human rights issues are seriously compounded by lack of independence and corruption of the judiciary, the bar and other public institutions including police. Courts are perceived to be among the most corrupt institutions in Cambodia and the BAKC is widely perceived to be under government control, with concerns about integrity in bar admission and disciplinary practices.

Issues of particular concern in Cambodia include illegal land concessions, sales and evictions adversely affecting rural and urban people's rights and well-being, including indigenous peoples; violence against women and girls; trafficking of children and women for sexual exploitation; impunity for those threatening or attacking human rights defenders, union officials, journalists and opposition politicians; corruption, pressure or judicial harassment by powerful persons; and constraints on freedom of expression and assembly through intimidation and through judicial harassment of journalists, opposition politicians, human rights defenders and citizen protesters.

Cambodian lawyers and human rights defenders continue to be harassed or hindered in their work. Police do not properly investigate attacks or threats against community activities, union leaders and human rights defenders. The persistent lack of independence and corruption of judges, prosecutors, court clerks and lawyers are key factors contributing to impunity.

LRWC Action

In addition to Ms. Morris's two visits to Cambodia, LRWC produced the following letters and reports in 2009:

- May 2009: A letter to the Bar Association of the Kingdom of Cambodia encouraging them to uphold independence of the legal profession;
- June 30, 2009: Letter to Prime Minister Hun Sen urging the government to respect independence of the Bar in Cambodia, particularly in the case of Mr. KONG Sam Onn, a lawyer who had represented an opposition politician, Mr. Mu Sochua in a law suit against the Prime Minister;

- July 2009: Report for the UN Special Rapporteur on Independence of Judges and Lawyers on *Concerns about Independence of Lawyers and Judges in Cambodia: Trends from 2004-2009*;
- August 26, 2009: A written statement, *Concerns about the Independence of Lawyers and Judges in Cambodia* to the 12th Session of the United Nations Human Rights Council (UNHRC).

LRWC urged the HRC to encourage the government of Cambodia to improve the independence and competence of our by implementing reforms; to bring laws, policies and practices into line with Cambodia's Constitution and international human rights obligations; and, to invite the UN Special Rapporteurs on Independence of Judges and Lawyers and the Situation of Human Rights Defenders to visit Cambodia to meet with members of the government, the judiciary, the bar association, the bar and human rights non-governmental organizations.

A.2 MEXICO

LRWC's Mexico Monitor Cara Gibbons participated in a fact-finding mission in Mexico from November 29 – December 3, 2009. The delegation, consisting of lawyers from Canada, the United Kingdom, the United States and Germany was organized by the Bar Human Rights Committee of England and Wales (BHRC).

The purpose of the delegation was to carry out an independent and impartial audit of the human rights situation in the states of Guerrero and Oaxaca. The delegation was particularly concerned with assessing access to justice, respect for the rule of law and the ability of lawyers and human rights defenders to exercise their vocations freely.

BHRC and LRWC were aware of serious human rights violations occurring in the state of Guerrero, Mexico, particularly in relation to the protection of lawyers and other human rights defenders, including members of the Tlachinollan Human Rights Center, a non-governmental organization working to uphold the civil and political rights of the local indigenous communities. Threats against Tlachinollan lawyers had forced closure of its offices in Ayutla de los Libres.

The objectives of the fact-finding mission were:

1. To provide support to lawyers and human rights defenders facing personal risks from state and non-state actors as a result of their work in representing the interests of indigenous people in the area.
2. To gather information about the human rights situation in Guerrero in order to help bring international attention to the difficulties faced by the lawyers who represent members of local indigenous groups.

Meetings were held with the Federal Ministry of Interior, the Federal Attorney-General's Office, the Supreme Court, the National Commission for Human Rights, and state and municipal officials in Guerrero and Oaxaca. The delegation also met with the Office of the UN High Commissioner for Human Rights, the British Embassy, and local lawyers and human rights defenders in Mexico City, Guerrero and Oaxaca. The delegation was disappointed that the Minister for Defence and the Federal Attorney-General were unable to attend a meeting and contribute to its findings.

At the conclusion of the mission the delegation held a press conference and issued a press release, which received coverage in the local media. The delegation also made a presentation to diplomatic representatives from various states—including Canada—at the British High Commission in Mexico. Ms. Gibbons, who is fluent in Spanish, was a member of the press conference panel and presented some of the delegation's findings to the state representatives.

Ms. Gibbons established contacts with lawyers and human rights defenders that will strengthen LRWC work in Mexico.

B. COUNTRY MONITORING

LRWC has 24 monitors who monitor 16 countries and three issues. Countries monitored are: Burma, Brazil, Cambodia, China, Guatemala, Haiti, Iran, Mexico, Pakistan, Philippines, Singapore, Sri Lanka, Sudan, Syria, Thailand, and Zimbabwe. Issues monitored are: Human Trafficking: Sex Trafficking of Women and Children, Impacts of the Security Agenda on Human Rights and the Omar Khadr case.

Monitors engage in advocacy, research and education relating to advocacy rights and the rule of law. During the reporting period Country Monitors have been involved in: letter writing, preparation of public statements, in-country investigations (Mexico and Cambodia), reporting, organizing and contributing to education events, researching and writing legal articles, meeting with government officials, judges, lawyers and human rights defenders, preparing written statements for, and delivering oral statements to, the HRC in Geneva, attending a Special Session of the HRC (Sri Lanka), meeting with Special Rapporteurs and working with NGOs. In June 2009 Leandro Despouy, then the United Nations Special Rapporteur on the independence of judges and lawyers, invited LRWC to provide him with reports on the trend of attacks on lawyers and judges over a five year period for inclusion in his final report to be delivered to the UN General Assembly in October 2009. LRWC monitors provided Mr. Despouy with 7 separate reports on trends of attacks on jurists in Brazil, China, Cambodia, Iran, Guatemala, Sri Lanka and Zimbabwe. As an example, the work of LRWC Country Monitors for Sri Lanka and Iran is profiled below. Reports from Country Monitors are available on the LRWC website.

B.1 IRAN

In the two months following the June 12, 2009 elections, Iran's Revolutionary Guards, the *Basij* militia, and Iranian police arrested thousands of protesters including lawyers and prominent human rights defenders. The Government of Iran also adopted new regulations that severely limit the independence of the Iranian Bar Association, which had resisted government pressure to rein in lawyers who defend human rights, and that give the government control over lawyers' right to practice. The government crackdown on human rights lawyers included arbitrary detention, denial of due process, travel bans and other harassment and intimidation.

Attacks on jurists the LRWC responded to from January 2009 to February 2010 included:

Abdolfatah Soltani, well-known human rights lawyer, was arrested without a warrant and held in Evin Prison in solitary confinement and accused of 'instilling doubts in elections,' 'propaganda against the regime' and 'formation of groups to undermine national security.' He was released on bail after two months.

Mohammad Mostafaie, a human rights lawyer best known for his campaign against the execution of people under 18, was arrested. He was representing at least 25 juveniles sentenced to death at the time of his arrest.

Mohammad Ali Dadkhah, a founding member of the Center for Defence of Human Rights, co-founded by the Nobel Peace Prize-winner Shirin Ebadi, was arrested an hour before a scheduled meeting with the campaign of presidential candidate Mir Hussein Mousavi to discuss issues regarding political prisoners. He was released on bail three months later.

Ms. Nasrin Sotoudeh, the lawyer representing 20 year old Arash Rahmanipour, was allowed to meet with her client once, for 15 minutes, and was not allowed to enter the courtroom where he was being tried. He was hung on January 28, 2010. When Ms. Sotoudeh spoke out publicly, authorities shut off her

cell phone with a text message stating, “Unfortunately, despite repeated warnings, you have kept contacts with counter-revolutionary media and for two months from today your cell phone will be cut off.”

Other lawyers targeted were: Kayvan Samimi (member of the Arbitrary Detentions Investigation Committee) and Kambiz Noroozi were arrested; Mohammad Seifzadeh was threatened by plainclothes security forces; Hadi Esmailzadeh and Manijeh Mohammadi were questioned by Tehran’s prosecutor’s office, security section. Although the Government of Iran has acknowledged some abuses and even named responsible individuals, it does not appear that these attacks will be investigated or that any government institution will provide protective measures. A human rights attorney reported that authorities arrest lawyers to cut off an “information supply” to Iranians and the outside world.

LRWC Response

LRWC monitors wrote letters on behalf of all these lawyers. For example, shortly after the June 2009 arrest of Abdolfattah Soltani, LRWC and the International Association of Democratic Lawyers sent a joint letter on his behalf followed by monthly letters. Mr. Soltani was released on bail on August 26, 2009, apparently in response to pressure letters from LRWC and other human rights NGOs.

B.2 SRI LANKA

Grave human rights violations took place during the final phase of armed conflict between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam, and continue to occur post-conflict. As of November 2009, 150,000 internally displaced persons (IDPs) remained confined in government internment camps. Attacks on independent media, routine intimidation, harassment and threats of lawyers, judges, and other human rights defenders all indicated the continued breakdown of the rule of law in Sri Lanka.

LRWC Sri Lanka monitors Harini Sivalingam and Gary Anandasangaree attended the HRC Special Session on Sri Lanka May 26/27 2009 in Geneva where Mr. Anandasangaree gave an oral presentation. Ms Sivalingam also attended the 11th Session of the HRC and continued to meet with UN, government and non-government parties regarding the situation in Sri Lanka. (See Section H “United Nations Participation,” of this report for more information.)

In August, Ms. Sivalingam wrote to Government of Sri Lanka on behalf of peace advocate Dr. Paikiasothy Saravanamuttu, executive director of the Center for Policy Alternatives, who has received death threats after criticizing human rights violations committed by all parties during the conflict. In July 2009 Ms Sivalingam prepared a report to the Special Rapporteur on the Independence of Judges and Lawyers in Sri Lanka. In November Ms Sivalingam and Gary Anandasangaree organized an education event in Toronto, co-sponsored by LRWC and Amnesty International/Canada on *Illusionary Justice: Threats to the Rule of Law and Human Rights in Sri Lanka*. Senior Associate Editor of the Toronto Sun Lorrie Goldstein moderated the panel discussion between speakers Dr. Paikiasothy Saravanamuttu, the South Asian Researcher for Amnesty International Yoland Foster, and Queen’s University Law Professor Sharry Aiken.

C. LETTERS FOR LAWYERS

LRWC members wrote letters on behalf of over 100 lawyers, judges and other human rights defenders jurists in 16 countries, namely:

Cambodia, Canada, China, Honduras, India, Iran, Mexico, Philippines, Peru, Sri Lanka, Sudan, Syria, Turkey, United States, Vietnam and Zimbabwe.

Letters and statements were written in response to a variety of reported atrocities including:

malicious prosecutions and disciplinary proceedings, death threats, arbitrary arrest, illegal detention, denial of due process, unfair trials and illegitimate convictions, assaults, threats of lynching, harm to family, loss of employment, execution and abduction.

Malicious prosecutions and disciplinary proceedings were based on allegations and charges of:

murder, arson, inciting to rebellion, weakening patriotic feelings, conveying false news harmful to government, slandering a government body, engaging in propaganda against the state, engaging in activities associated with overthrow of the government, aiding illegal organizations, mischief, assault, deterring police, giving evidence of wrongdoing by state agents.

Activities that precipitated these attacks were in the main associated with opposing government action or policy either indirectly through legal representation or directly by investigating or reporting government wrongdoing. Specific activities precipitating attacks during this reporting period included:

Acting for individuals or groups opposing government action/inaction, representing clients in suits against the government, association with a human rights organization, involvement with cases involving allegations of torture or other prisoner abuse, advocating democracy, exposing government wrongdoing and exposing human rights abuses by the military or security forces.

These patterns were consistent with those reported by the UN Special Rapporteur on Human Rights Defenders, Margaret Sekaggya, in her March 2010 report to the HRC. She noted a global trend of preventing human rights defenders' work through prosecutions, the criminalization of their professional activities and stigmatization as terrorists or enemies of the state. Identifying the urgent need for protective measures for human rights defenders in danger, Ms Sekaggya concluded that only NGOs can provide timely protective measures capable of preventing irremediable harm. She urged NGOs to, "create and strengthen national, sub regional and regional coalitions, and networks to enhance the protection of defenders and disseminate training tools on the protection of human rights defenders." LRWC has worked throughout the year to foster the creation of a global network of NGOs to provide 'first response' protective measures.

The length and complexity of the letters varied. LRWC member Brian Samuels wrote letters and legal submissions about the legitimacy of disciplinary proceedings against an Alberta lawyer and provided a brief for consideration at the lawyer's sentencing hearing. In another case LRWC submitted, on request, a 14-page follow-up complaint to the UN on Torture. LRWC letters and statements were written in English and Spanish and some were endorsed by other NGOs (Ini-Mex, the International Association of Democratic Lawyers, Lawyers for Lawyers and the Asian Legal Resource Centre).

D. PUBLICATIONS/LEGAL RESEARCH:

D.1 LRWC Reports

- *Brazil: Independence and Safety of Judges and Lawyers*, Isabela Piacentini de Andrade, Jul.17/09.
- *Cambodia: Concerns about Independence of Lawyers and Judges in Cambodia: Trends from 2004-2009*, C. A. Morris, B.A., LL.B., LL.M., Jul. 17/09.
- *Cambodia: Summary report on the situation of lawyers and human rights defenders in Cambodia 2009*, Catherine Morris, March 2010.

- *China: Present Realities and Continuing Trends in the Chinese “Judicial System” with Particular Reference to the Widespread and Growing Campaign of Intimidation by the Chinese Government Against the Legal Profession in China*, Clive M. Ansley, B.A., LL.B., M.A., LL.M., July 2009
 - *Guatemala: Attacks On Jurists 2005-2009*, Isabel Stramwasser B.A., LL.B. & Brenda J. Wemp, July 2009.
 - *Iran: Attacks on Lawyers in Iran over the past 6 years (2004-2009)*, Tina Parbhakar, June 2009.
 - *Iran: Country Monitoring Report from June 2009 to March 2010*, Tina Parbhakar, Mar. 15/10.
 - *Mexico: Country Monitoring Report from June 2009 to March 2010*, Cara Gibbons, Mar. 16/10.
 - *Pakistan: Country Monitoring Report*, John K. Cotter, Mar. 25/10.
 - *Sri Lanka: General Trends for Sri Lanka Concerning the Independence Of Judges and Lawyers*, Harini Sivalingam, Hons, B.A., LL.B., LL.M., Jul. 15/09.
 - *Sri Lanka: County Monitor Report from May to November 2009*, Harini Sivalingam, Nov. 17/09.
 - *Zimbabwe: Attacks on Lawyers 2006-2009*, Charles B. Davison, July 2009.
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- *May 2009: Report on LRWC participation in the 5th Asian Human Rights Consultation on an Asian Charter on the Rule of Law*, 20-24 April in Hong Kong, Gail Davidson & Catherine Morris, May 2009.
 - *June 2009: Lawyers Rights Watch Canada (LRWC), Quadrennial Report to the Economic and Social Council of the United Nations*, June 2009.
 - *Report on LRWC participation in the 11th Session of the United Nations Human Rights Council held June 2-18 2009, in Geneva*, Gail Davidson, June 23, 2009.
 - *Report on LRWC attendance at the 16th Annual Meeting of Special Procedures of the Human Rights Council - Open Meeting with NGOs and NHRIs*, Lois Leslie & Isabela Piacentini de Andrade, July 2009.
 - *Report on LRWC attendance at the 3rd session of the Human Rights Council Advisory Committee, 3-7 August 2009*, Lois Leslie, August 2009.
 - *Summary of attendance at the 12th Session of the United Nations Human Rights Council, Geneva, Switzerland, September 14th to September 25th, 2009*, Harini Sivalingam, Sept. 15/09.
 - *Report on attendance to the Fifth Dublin Platform for Human Rights Defenders, Dublin Castle, Dublin, Ireland, February 10-12, 2010*, Isabela Piacentini de Andrade, Feb. 2010.
 - *Report on the 13th Session of the United Nations Human Rights Council (1-26 March 2010)*, Isabela Piacentini de Andrade, Mar. 30/10.

D.2 Legal Articles

- *Emergency Measures: Standards for Legitimacy*, Meghan Clarke & Gail Davidson, Nov. 2009.
- *The Omar Khadr Case: How the Supreme Court of Canada undermined the Convention on the Rights of the Child*, Grace Li Xiu Woo, LL.D., Mar. 4/10.
- [*States’ Duty to Investigate Extra-Judicial Killings*](#), Matthew Stacey, November 12, 2009.
- *Protective Measures for Human Rights Defenders and Lawyers in Danger: What can NGOs Do?* Isabela Piacentini de Andrade, Feb. 19/10.

D.3 Written Statements to the United Nations Human Rights Council

- *The Need for an Absolute and Non-derogable Right to Independent Courts*, Joint written statement by LRWC and the Asian Legal Resource Centre (ALRC), to the 11th Session of the HRC, May 20th 2009. Prepared by Gail Davidson.
- *Concerns about the Independence of Lawyers and Judges in Cambodia*, Written statement to the 12th Session of the HRC: August 28, 2009. Prepared by Catherine Morris.

- *The Omar Khadr Case*, Written statement to the 13th Session of the United Nations Human Rights Council: February, 22, 2010. Prepared by Gail Davidson
- *Formal Communication for Consideration and Action Re: Omar Khadr*, March 22, 2010. Complaint to Special Rapporteur on Torture, Manfred Nowak.

D.4 Publications Distributed by LRWC

- [*Canada's Failure to Support the United Nations Declaration on the Rights of Indigenous Peoples: an intersectional analysis of the repercussions as seen through the inter-woven lenses of women's rights, environmental rights, and poverty alleviation*](#), Heidi Fraser-Kruck, June 2009.
- *The Measures Measured: Report Of The International Verification and Fact Finding Mission (Ivffm) On Attacks Against Lawyers And Judges In The Philippines, 4-12 November 2008*, Released by the Dutch Foundation Lawyers for Lawyers, 4 June 2009.
- *Protesters Guide to the Law of Civil Disobedience in BC: Olympic Edition*, Leo McGrady QC, November 20, 2009.
- *Report of the Fact-Finding Mission in Rondonia-Brazil, December 1st To 4th, 2008: Plight of Landless Peasants, Prisons, and Violations of Human Rights in the Brazilian State of Rondonia*, International Association of People's Lawyers, December 2009.

E. EDUCATION

Toronto: On Monday, November 16, 2009 LRWC and Amnesty International/Canada co-sponsored a panel discussion *Illusionary Justice: Threats to the Rule of Law and Human Rights in Sri Lanka* held at the Law Society of Upper Canada, Toronto. The panel discussion, moderated by Lorrie Goldstein, a senior associate editor of the Toronto Sun, featured Dr. Paikiasothy Saravanamuttu, the executive director of the Centre for Policy Alternatives in Sri Lanka and guest lecturer at the University of Toronto; Yolanda Foster, South Asia researcher for Amnesty International/UK and principal author of *Twenty Years of Make-Believe: Sri Lanka's Commissions of Inquiry*; and Sharry Aiken, Queen's University law professor. Lawyers, law students, academics, and human rights activists attended the events which included a lively discussion session followed by a wine and cheese reception. The event was organized by Harini Sivalingam and Gary Anandasangaree.

Vancouver: LRWC and UBC's RAGA Centre co-hosted a free lecture by University of Toronto professor Dr. Sherene Razack on *Reflections on Torture at Abu Ghraib* at the Vancouver Public Library on October 24, 2009. Law&Society@ UBC, Vancouver Voice of Women, StopWar.ca and Lawyers against the War co-sponsored the event. The talk was re-broadcast on Novus and Shaw cablevision networks in the Lower Mainland and on Vancouver Island.

Vancouver: Gail Davidson gave a workshop on *War and Law: the Development of Human Rights Law after WW II* and a talk on *Crime and Punishment: An End to Impunity?* at the World Peace Forum Society's annual teach-in *From Crash to Catastrophe* held in Vancouver, November 7, 8 & 11, 2009. The workshop and the talk were well received, with students and other participants expressing frustration with the lack of access to human rights education and training. The Crime and Punishment talk was re-broadcast over Shaw and Novus cable television systems in the Vancouver Island and Lower Mainland areas of B.C.

Vancouver: Amnesty International hosted a public forum January 11, 2010 at Simon Fraser Harbour Centre, to mark the 8th anniversary of the opening of Guantánamo Bay prison. Speakers were Derrick O'Keefe, writer and social justice activist, Carmen K. Cheung, lawyer with B.C. Civil Liberties

Association, and Gail Davidson.

Vancouver: On January 13, 2010, as part of the BC Court of Appeal's 'Law at Lunch' program, James Tate gave a 90 minute talk about LRWC work to 17 appellate justices. James summarized LRWC goals and provided an overview of LRWC's body of work over the past 10 years noting campaigns conducted in over 60 countries consisting of numerous field visits, reports, public statements, written submissions to courts and international bodies, and hundreds of letters. James traced LRWC's development and achievements, including special consultative status with the UN, and the recent appearances and submissions to the UNHRC.

F. COOPERATION WITH OTHER NGOs:

LRWC has continued to increase communication, collaboration and cooperation with other human rights NGOs. In 2009 this included joint letters and statements, joint oral presentations and written statements to the HRC, organizing a side event at the New York headquarters of the UN, organizing and participating in education events, participating in an in-country investigation in Mexico and sharing resources with other NGOs. LRWC took the initial steps towards helping create a global network of NGOs to provide protective measures to human rights defenders at risk, on a 'first response' basis. LRWC engaged in background research for this project and started making connections with NGOs in Asia, Europe and Latin America. NGOs that LRWC worked with include: Amnesty International, Asian Legal Resource Centre and Asian Human Rights Commission, Bar Human Rights Committee of England and Wales, B.C. Civil Liberties Association, the Dutch Lawyers for Lawyers Foundation, FrontLine Defenders, GURIA, INI-MEX (Initiative Mexico), National Union of Peoples' Lawyers, International Association of Democratic Lawyers, International Civil Liberties Monitoring Group, Law&Society@UBC, National Lawyers Guild, National Union of People's Lawyers, Nord Sud XXI, Peace Brigades International, University of B.C. RAGA Centre, Vancouver Voice of Women, and World Peace Forum Society.

G. CONFERENCES

Fifth Consultation on the Asian Charter on the Rule of Law, Gail Davidson and Catherine Morris attended this conference, hosted by the Asian Human Rights Commission in Hong Kong from April 19-24, 2009. During this 5-day consultation, lawyers, judges and human rights advocates from 25 Asian countries focused on 'concerns regarding the legal profession in Asia' as part of an ongoing discussion to develop an Asian Charter on the Rule of Law.

Fifth Dublin Platform for Human Rights Defenders, Dublin Castle, Dublin, Ireland, February 10-12, 2010. Isabela Piacentini de Andrade attended this meeting of 100 human rights defenders and guests to discuss patterns of attacks against human rights defenders and practical measures to ensure their protection. Special guests included Ms. Navi Pillay, the UN High Commissioner for Human Rights and Ms. Margaret Sekaggya, the UN Special Rapporteur on the Situation of Human Rights Defenders. Ms Piacentini queried human rights defenders about protective measures needed for human right defenders and lawyers and for advice as to how NGOs can assist in improving their safety and independence.

H. UNITED NATIONS PARTICIPATION

LRWC members attended the 11th, 12th and 13th Sessions of the HRC in Geneva, as well as the Special Session on Sri Lanka, the 16th annual special procedures meeting of the HRC and the 3rd session of the HRC Advisory Committee. In New York, LRWC attended the 54th Session of the United Nations General Assembly (GA). LRWC submitted written statements to all three sessions of the HRC and made oral presentations at all three sessions. Written statements to the HRC are listed in the publications section.

UN Human Rights Council - 11th Session, June 2009, Geneva. Gail Davidson attended the 11th Session of the HRC held June 2-18, 2009 in Geneva. LRWC submitted a written statement, *The Need for an Absolute and Non-derogable Right to Independent Courts*, outlining the need to have the right to an independent judiciary/tribunal declared and enshrined in an international instrument, as non-derogable. LRWC made two oral presentations. A joint statement, with the Civil Liberties Monitoring Group (CLMG) and the Arab Human Rights Commission (AHRC), on *Non-derogable right to have rights determined by independent and impartial courts*, was made on June 2009. A joint statement with Nord Sud XXI on, *The Need for a Special Rapporteur on Armed Conflict in Afghanistan*, was made on June 8. A third oral presentation on the Universal Periodic Review process, (*NGOs must be allowed to submit questions on human rights violations to states during Working Group Sessions*), scheduled for delivery on June 9, 2009 was cancelled because of time constraints.

UN Human Rights Council - 12th Session, September 2009, Geneva. Harini Sivalingam and Gary Anandasangaree attended the 12th Session of the HRC September 14-25, 2009. They met with: Julia Raue, assistant to the High Commissioner for Human Rights and the Special Rapporteurs on the independence of judges and lawyers (Gabriela Albuquerque), on Children in Armed Conflict (Ms Cumaraswamy), on Internally Displaced Persons (Walter Kailen), with Rory Malgovan of the Office of the High Commissioner for Human Rights, Mr. Grinius, the Canadian Ambassador Grinius. Ms Sivalingam and Mr. Anandasangaree also met with representatives of the German, Norwegian and U.S. missions and representatives from a number of NGOs. Ms Sivalingam and Mr. Anandasangaree attended the NGO side event on *Effective Protection for Human Rights Defenders* hosted by FIDH, Human Rights First and FrontLine Defenders. On September 22, Gary Anandasangaree delivered an oral statement about continuing human rights violations in Sri Lanka, citing attacks on lawyers and journalists and prolonged imprisonment of civilians as well as the lack of an independent judiciary. LRWC filed a written statement, *Concerns about the Independence of Lawyers and Judges in Cambodia*, prepared by Catherine Morris.

Special Session on Sri Lanka, May 26-27, 2009, Geneva. Harini Sivalingam attended this Special Session called to examine the human rights situation in Sri Lanka. The HRC adopted a weak resolution by vote rather than by consensus reflecting the difficulty in the HRC addressing human rights crises involving state actors. Ms Sivalingam criticized the resolution as lacking in direction for preventing further and remedying past violations and failing to address the plight of internally displaced people and the issues underlying the conflict.

United Nations: 13th Session of the Human Rights Council (HRC) in Geneva, March 1-26

Isabela Piacentini de Andrade attended the 13th Session of the HRC from March 9 – 26. The following issues from the Session received special attention and follow-up by LRWC:

1. Torture and other cruel, inhuman and degrading treatment or punishment and the role of the legal profession

2. Respect of Human Rights and Fundamental Freedoms while countering terrorism
3. Protection of Human Rights Defenders
4. Draft Declaration on Human Rights Education and Training
5. Optional Protocol to the Convention on the Rights of the Child
6. Universal Periodic Review of Cambodia

Ms Piacentini met with Special Rapporteurs on Torture (Manfred Nowak) and on the Independence of Judges and Lawyers (Gabriela Albuquerque) and with representatives of governments and NGOs. In addition to attending sessions of the HRC, Ms Piacentini attended meetings to discuss and debate drafts of three resolutions prior to presentation to the HRC: a) *Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers*, sponsored by Denmark; b) *Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*; sponsored by Mexico; and, c) *Protection of Human Rights Defenders*, sponsored by Norway. Vigorous debates between states on the latter resolution revolved around whether the protected activities of human rights defenders had to comply with domestic law as well as with international standards or only with international human rights instruments. This issue is important to the safety and independence of human rights defenders given that many states use domestic laws to stifle and punish advocacy to uphold internationally protected rights.

During the March 11th meeting with Ms Piacentini, the Special Rapporteur on Torture invited LRWC to make a file a formal complaint on the Omar Khadr case which LRWC did on March 22. LRWC was advised that the Special Rapporteur in response to the complaint had sent urgent action requests to the U.S. and to Canada asking for the release and repatriation of Omar Khadr. Ms Piacentini also attended the NGO side event on *Torture and accountability: the responsibility of the legal profession*, hosted by the International Commission of Jurists.

On March 17, 2010, Ms Piacentini delivered the joint oral statement of LRWC and the Asian Legal Resource Centre on, *Comments on the Report of the Working Group on the Universal Periodic Review of Cambodia*. The statement highlighted the lack of independence for the bar and the bench in Cambodia and ongoing dangers faced by lawyers representing peasants in land rights cases.

Special Procedures Annual Meeting, Geneva. On June 30th Isabela Piacentini de Andrade and Lois Leslie attended the session open to NGOs of the 16th Annual Meeting of the Special Procedures of the HRC, held June 29-July 3, 2009 in Geneva. Special Procedures refers to mechanisms established by HRC to address human rights issues globally and includes 30 thematic and eight country Special Rapporteurs, Special Representatives and Working Groups (SRs). Presentations by NGOs and NHRIs and comments by SRs explored a wide variety of subjects including: adequate protection for victims and witnesses, protecting the independence of SRs, a greater role for NGOs in the selection and appointment of SRs, need for reform of the Universal Periodic Review procedures, better follow-up on recommendations made by SRs and the HRC, the importance of NGOs contributions and support of SRs, the need to summarize recommendations and best practices.

Human Rights Council Advisory Committee Meeting, Geneva. Lois Leslie attended the third session of the HRC Advisory Committee (AC), August 3-7, 2009 in Geneva. The AC—which replaced the Sub-Commission on the Promotion and Protection of Human Rights—is composed of 18 experts working under the direction of the HRC to provide advice on human rights issues. NGOs, states and NHRIs attended the meeting and discussed: the right to food, human rights education and training and missing persons. The AC adopted a recommendation that the HRC request the group drafting a resolution on human rights education and training to continue consultations and present a draft declaration to the fourth session of the AC. The AC also adopted recommendations regarding the right to food, missing persons, and the elimination of discrimination against people with leprosy.

UN General Assembly - 64th Session, October 2009, New York. Harini Sivalingam and Gary Anandasangaree went to New York to attend the planned side-event on *The Rule of Law under Threat: Protecting Lawyers who Protect Human Rights*, organized by the Dutch Lawyers for Lawyers (L4L) and co-hosted by LRWC and Hungary. The event was cancelled at the last minute. LRWC representatives Harini Sivalingam and Gary Anandasangaree, and Lawyers for Lawyers (L4L) representatives Irma Van Den Berg, Adrie van de Streek and Phon Van den Biesen attended the presentation of the final report of outgoing SR on the independence of judges and lawyers, Leandro Despouy to the 64th session of the UN General Assembly. LRWC and L4L had provided material to Mr. Despouy for this report. LRWC and L4L representatives met with Gabriela Carina Knaul de Albuquerque e Silva, the new Special Rapporteur on the independence of judges and lawyers. Discussed at the meeting with Gabriela were L4L's long term goal of improving the utility of the *Basic Principles on the Role of Lawyers* by promoting domestic laws that incorporate these principles and LRWC's companion project on the development of 'first response' protective mechanisms for jurists whose independence and safety are in danger. Harini Sivalingam also attended the *Special Procedures Early Warning and Emerging Issues* roundtable held on October 23—attended by High Commissioner for Human Rights Ms. Naveanethem Pillay—to discuss the role and added value of the UN Special Procedures in early warning and drawing attention to emerging issues.

I. MEMBERSHIP

LRWC has 240 members. Membership in LRWC includes membership in LRW(LR)C.

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LRWC is funded solely through membership fees and donations of money and time from members and non-members. Members generously donated their time to travel, in-country investigations, research, attending conferences, speaking at public events, organizing and participating in education events, writing reports, legal articles, public statements and letters, attending and participating in HRC sessions and other UN meetings, meeting with NGOs, jurists, human rights defenders, government officials and others on issues of concern. LRWC is grateful for the generosity of all of our donors—those who do the work and those who provide the money—and for the strength of their commitment to defend human rights defenders around the world. LRWC is also grateful for the ongoing support from our non-member volunteers.

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Issue Monitoring

Human Trafficking: Sex Trafficking of Women and Children: *Trish Apland*
Impacts of the Security Agenda on Human Rights, *Maureen Webb*
Omar Khadr, Torture and Denial of Due Process, *Gail Davidson & Grace Li Xiu Woo*

Report Writing, Research & Education

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Letters for Lawyers

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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
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