

# Lawyers' Rights Watch Canada

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

## LRWC ANNUAL REPORT 2019

(January 1, 2019 to December 31, 2019)

*“Promoting human rights by protecting those who defend them.”*

### MISSION

**Lawyers' Rights Watch Canada (LRWC)** is a committee of lawyers and others who promote international human rights law, the rule of law, advocacy rights, and the integrity of legal systems 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 publishing for public use analyses of and guides to 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, volunteer-run 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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The global movement from rights-based multi-party democracies to one-party totalitarian regimes continued. During 2019, states increasingly used laws and legal systems to criminalize the lawful exercise of internationally protected rights and to protect states and corporate 'partners' from opposition, criticism, and accountability. Lawyers and other human rights defenders, journalists, land defenders, and pro-democracy activists were victims of unlawful imprisonment, torture, and ill-treatment, threats and attacks by state and non-state actors, surveillance, exile, death, and denial of remedies. Many states used executive controlled courts and overly broad charges that could only be known after subjective determination on conviction, to silence dissent. Defendants were denied liberty, freedom from unlawful charges, fair trials before independent tribunals, access to counsel, legal aid, and defenses. Government decision making increasingly appeared captured by large corporations invested in land and water use projects damaging to the environment and/or existing use and occupancy. The oversight by independent courts necessary to protect rights and prevent and remedy the unlawful use of power, was undermined by a number of factors including: inequality of arms, prohibitive costs, failure of courts to understand or apply international standards and arcane procedures that prevent full review of the public interest.

LRWC volunteers continued to effectively address these abuses globally through advocacy, education, legal research, and cooperation with other groups. In addition, LRWC raised awareness of violations of international human rights laws and standards in 18 oral and four written statements to the UN Human Rights Council, in submissions to UN Special Procedures, and Monitoring Bodies and in communications to domestic authorities.

LRWC work was effective and contributed to exposure of wrongdoing, remedies for victims of abuse, and enhanced understanding of international law protections. All of this important work was done *pro bono* by LRWC volunteers. It has been an honour working with LRWC members and partners and sharing in their passionate work to defend defenders, uphold the rule of law and maintain the integrity of legal systems around the world.

Thank you to all LRWC volunteers, members, and donors on behalf of LRWC, its partners, and victims of human rights violations

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## ACTIVITIES IN THE REPORTING PERIOD

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### I. SUCCESSES IN 2019

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Some examples of LRWC successes during 2019 are identified below. Positives outcomes in the resolution of individual cases or the legal reforms necessary to ensure rights sometimes take many years. In such cases, the extent to which LRWC work contributed to a particular 'success' is usually impossible to determine. However, LRWC analyses of international human rights laws and standards—letters, statements, reports, amicus briefs, working papers, guides, and books—stand as unqualified successes. Also, a success was LRWC's publications and its UN participation. Neither of these is itemized below but can be viewed in the Legal Research and Publication and UN

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Participation sections. Special thanks are due to Lois Leslie who donated an estimated 500 hours to researching and writing the new LRWC book, *Attacking the Defenders: Criminalization of human rights defender A guide to the international law rights of human rights defenders*, Forward by Michel Forst, UN Special Rapporteur. An advance edition was released for feedback in November 2019.

**Cambodia:** Human Rights Council extends mandate of Special Rapporteur;

**Cameroon:** Working Group on Arbitrary Detention rules Mancho Bibixy Tse, arbitrarily detained;

**Canada:** Court rules the Guantanamo Bay Tribunal sentence of Omar Khadr has expired;

**Hong Kong:** three of eight sentenced in Umbrella Movement appeal convictions;

**Indonesia:** No arrest warrant issued against lawyer representing protesters in West Papua;

**Iran:** international outrage at the sentencing of Nasrin Soutodeh;

**Kenya:** trial of police charged with murder of lawyer, his client and taxi driver;

**Mexico:** IACHR re-opens investigation of 2001 murder of Digna Ochoa and refers to IACtHR;

**Myanmar:**

- Jailed reporters freed after more than 500 days in prison (08/05/2019);
- Canada supports The Gambia's ICJ application under Genocide Convention;
- Approval of investigation of crimes against Rohingya under the Rome Statute;
- Two convicted in murder of lawyer U Ko Ni;

**Pakistan:** Asia Bibi and her family granted asylum in Canada (May 2019);

**Pakistan/India:** The ICJ orders reconsideration of conviction and death sentence of Indian national;

**Philippines:** Human Rights Council creates body to investigate and report on abuses under Duterte;

**Saudi Arabia**

- Seven women activists were freed on bail (03-04 2019);
- 36 states call for the release of “all detained for exercising their fundamental freedoms”;
- 13 Special Rapporteurs call for release of arbitrarily detained human rights defenders;

**Sudan:** African Commission on Human and Peoples Rights passes resolution condemning state violence against protester (14 May 2019);

**Turkey:** UPR recommends some of changes identified as necessary by LRWC/L4L submissions;

**Vietnam:** Human Rights Committee issues concluding observations on compliance with ICCPR

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## II. UNITED NATIONS PARTICIPATION

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Special Consultative Status with the Economic and Social Council of the United Nations (UN) entitles LRWC to contribute to the work of UN and the Human Rights Council (HRC) by: serving as technical experts, advisers, and consultants to governments and the Secretariat; advocating for the implementation of UN instruments and programs of action; attending meetings and making oral and written presentations; proposing items for consideration; and attending UN General Assembly conferences and special sessions. During this reporting period, LRWC attended and made oral and written submissions to the HRC and filed reports and complaints with treaty monitoring bodies and Special Procedures of the HRC. LRWC did the work along and in cooperation with other non-government organizations (NGOs) and other civil society organizations.

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## A. 40th session UN Human Rights Council: 25 February to 22 March 2019

This session featured several notable events. On 7 March, an unprecedented statement of criticism of Saudi Arabia by states was made to the HRC by [36 States](#), including Canada. The statement strongly condemned the killing of journalist Jamal Khashoggi and called on Saudi Arabia “to take meaningful steps to ensure that all members of the public, including human rights defenders and journalists, can freely and fully exercise their rights to freedoms of expression, opinion and association, including online, without fear of reprisals.” For the first time, on 11 March 2019, two Rohingya refugees from Myanmar spoke in the HRC chamber, one in a joint statement sponsored by LRWC and the International Service for Human Rights (ISHR). Another precedent was set on 21 March 2019 when the HRC passed a [consensus resolution](#) which for the first time called for protection of environmental human rights defenders. LRWC’s participation in the 40th session included oral statements on Myanmar, Iran, Saudi Arabia, China and Sri Lanka and on the need for reform of the HRC.

### Oral Interventions at the 40<sup>th</sup> Session

- **Myanmar:** [Testimony of Rohingya witness. Seeking justice and redress for atrocity crimes.](#) A statement delivered by Rohingya refugee and peace advocate, Ms. Hamida Khatun on 11 March 2019 during the Interactive Dialogue (ID), on the report of the Special Rapporteur on human rights in Myanmar. LRWC and ISHR facilitated the presentation. Video available [here](#).
- **Iran:** [Ongoing and Intensified Wrongful Treatment of Lawyers in the Islamic Republic of Iran](#) An LRWC statement (drafted by Tina Parbhakar) delivered by Ms H  l  ne Ramos dos Santos of the International Bar Association Human Rights Institute (IBAHRI) on 11 March 2019 during the ID with the Special Rapporteur on the Islamic Republic of Iran. Video available [here](#).
- **Iran:** [Arbitrary detention and disproportionate sentencing of lawyer Ms Nasrin Sotoudeh.](#) An LRWC statement delivered by Ms H  l  ne Ramos dos Santos of the IBAHRI on 12 March 2019 during General Debate (GD) on Item 4: Human rights situations that require the Council’s attention. Video available [here](#).
- **China and Saudi Arabia:** [Systematic arbitrary detention of human rights lawyers and defenders](#) An LRWC statement delivered by Lawyers for Lawyers (L4L) Executive Director, Judith van den Lichtenberg on 13 March 2019 during GD on Item 5: Human rights bodies and mechanisms. Video available [here](#).
- **Saudi Arabia UPR Outcome:** [Duty to release unlawfully detained defenders](#) A statement co-sponsored by ISHR, CIVICUS, and LRWC, delivered by Salma El Hosseiny of ISHR on 14 March 2019 during the outcome review of the Universal Periodic Review of Saudi Arabia. Video available [here](#).
- **China UPR Outcome:** [Joint statement](#) A statement by ISHR joined by LRWC and delivered by Sarah Brooks of ISHR on 15 March 2019 during the outcome review of the Universal Periodic Review of China.. Video available [here](#).
- **Sri Lanka:** [Accountability for Atrocity Crimes](#) An LRWC statement drafted and delivered by Dharsha Jegatheeswaran on 20 March 2019 during the ID on the Office of the High Commissioner (OHCHR) Report on Sri Lanka. Video available [here](#).

## **B. 41st Session UN Human Rights Council: 24 June to 12 July 2019**

Although not actually present at this session, LRWC made significant contributions by closely following the proceedings (Catherine Morris), pre-registering for oral statements (Vani Selvarajah), contributing to joint oral statements (Gail Davidson, Catherine Morris), endorsing an important side-event and distributing (Catherine Morris) a report on the extra-judicial killings of lawyers in the Philippines for consideration prior to the HRC voting on a remedial resolution.

### **Oral Interventions at the 41<sup>st</sup> Session**

- **China:** [\*Repression of human rights lawyers and legal activists\*](#) A joint statement by LRWC, I4L, IBAHRI and ISHR delivered by Sarah Brooks of ISHR on 24 June 2019 during ID with Special Rapporteur on Independence of Judges and Lawyers and the Independent Expert on SOGI. Video available [here](#).
- **China, the Philippines, Saudi Arabia, and Turkey:** [\*Attacks on lawyers in China, Philippines, Saudi Arabia and Turkey\*](#) A joint statement by LRWC, IBA and I4L (drafted by Catherine Morris and Gail Davidson) delivered by Ms H  l  ne Ramos dos Santos of the IBAHRI on 1 July 2019 during GD on Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Video available [here](#).

### **Side event**

- **China:** [\*Human Rights in China – Strengthening Calls for Accountability\*](#) A side event co-sponsored by Human Rights Watch, ISHR, Law Council of Australia, IBAHRI, I4L, and LRWC on 27 June 2019.

### **Resolutions of note**

- **Council passes resolution to investigate and report on abuses in the Philippines** Led by Iceland, 35 States including Canada, presented a resolution to the Council, [\*Promotion and Protection of human rights in the Philippines, A/HRC/41/L.20, 5 July 2019\*](#). Prior to the vote, LRWC distributed its report: [\*Killing the Lawyers: Forty-three Jurists Murdered in the Philippines since 2016\*](#).

## **C. 42<sup>nd</sup> Session of the UN Human Rights Council: 16 to 27 September 2019**

Three LRWC representatives attended and participated in the 42<sup>nd</sup> session of the HRC: Catherine Morris and Paul Scambler Q.C. of Victoria, BC, Canada attended 16 to 27 September, and Felix Agbor Nkongho of Yaound  , Cameroon, attended from 9 to 20 September. LRWC representatives met with NGOs and members of Special Procedures and attended side events on Saudi women defenders, organ harvesting in China, and other topics. In addition to filing four written statements, LRWC participated in nine oral statements delivered during this session.

### **Oral Interventions at the 42<sup>nd</sup> Session**

- **China, the Philippines, Saudi Arabia, and Cameroon:** [\*Human rights crises in China, the Philippines, Saudi Arabia and Cameroon\*](#). An LRWC statement (drafted by Gail Davidson and Catherine Morris) delivered by Felix Agbor Nkongho on 11 September 2019 during GD on Item 2: Oral update of the HCHR. Video available [here](#) at Chapter 74.



- **China, Saudi Arabia, Turkey, and Cameroon:** *Arbitrary detention of lawyers and defenders in China, Saudi Arabia, Turkey, and Cameroon*. An LRWC statement (drafted by Rob Lapper QC and Felix Nknongho Agbor) delivered by Felix Agbor Nkongho on 16 September 2019 during GD on Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Video available [here](#) at Chapter 55.
- **South Sudan:** *Disappearance and killing of human rights defenders in South Sudan*. An LRWC statement (drafted by Temisan Boyo) delivered by Paul Scambler Q.C. on 16 September 2019 during ID with the Commission on Human Rights in South Sudan. Video available [here](#) at Chapter 21.
- **Myanmar and Bangladesh:** *Rights, dignity, and future of genocide survivors at stake*. A joint statement by LRWC and the Asian Human Rights Commission (AHRC) (drafted by Zaman Ashrafuzzaman and Catherine Morris) delivered by Catherine Morris on 16 September 2019 during ID on the reports of the Special Rapporteur on Myanmar. Video available [here](#).
- **Philippines:** *Halt assassinations of lawyers and ensure accountability for perpetrators*. A joint statement by LRWC and L4L, delivered by Catherine Morris on 16 September 2019 during GD Item 4: Human rights situations that require Council's attention. Video available [here](#) at Chapter 7.
- **Saudi Arabia:** *Release Loujain Al-Hathloul*. A joint statement by ISHR and LRWC, prepared by ISHR, delivered by Loujain Al-Hathloul's sister, Lina Al-Hathloul on 25 September 2019 during GD Item 8: Follow-up to and implementation of the Vienna Declaration and Programme of Action. Video available [here](#).
- **Cambodia:** *Failure to fulfill international law obligations*. A joint statement by LRWC, the International Commission of Jurists (ICJ) and the ISHR (drafted by Catherine Morris) delivered by Catherine Morris on 25 September 2019 during ID with the Special Rapporteur on the situation of human rights in Cambodia. Video available [here](#) at Chapter 21.
- **Sudan:** *Grave violations against protesters continue under transitional government*. An LRWC statement (drafted by Temisan Boyo) delivered by Paul Scambler Q.C. on 25 September 2019 during ID on Independent Expert on the situation of human rights in Sudan. Video available [here](#) at Chapter 49.
- **Yemen:** *Call to ban export of arms to conflict in Yemen*: An LRWC statement (drafted by Gail Davidson), delivered by Paul Scambler Q.C. on 26 September 2019 during GD on Item 10: Technical assistance and capacity-building. Video available [here](#) at Chapter 72.

#### Written Statements to the 42<sup>nd</sup> Session

- **Cambodia:** *The roots of Cambodia's persistent rights violations: Impunity of the powerful*. A joint written statement by LRWC and AHRC.
- **Cameroon:** *Human Rights Catastrophe in Cameroon*, a written statement by LRWC, supported by the Centre for Human Rights and Democracy in Africa (CHRDA) and the Raoul Wallenberg Centre for Human Rights (RWCHR), 26 August 2019. A [press release published 26 August](#) summarizes the report.
- **Philippines:** *Extrajudicial killing of jurists as part of a pattern of widespread and systematic violations of human rights*. A written statement by LRWC, joined by six other legal organizations. A

[press release published 9 September](#) summarizes the issues raised and the remedies requested.

- **Thailand:** [Unforgotten in Thailand: Ensure Truth, Justice and Reparation for Victims of Enforced Disappearance](#). A joint written statement by LRWC and the AHRC, 29 August 2019.

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### III. REPORTS TO TREATY MONITORING BODIES AND SPECIAL PROCEDURES

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#### A. UNIVERSAL PERIODIC REVIEW (UPR)

The UPR, commenced in 2008 under the auspices of the HRC, is a periodic review of the fulfillment of each UN member state of its human rights obligations. The review is conducted by other states overseen by a Working Group composed of representatives of three states. The review is based on: the report of the state under review; a summary of information about the state under review by the OHCHR; and, a report of the OHCHR summarizing all reports submitted by NGOs and other stakeholders. The participation of NGOs and other stakeholders is limited to providing submissions identifying and recommending remediation of human rights violations to the OHCHR, attending a ½ day UPR pre-session and lobbying states to pose questions and make recommendations. NGOs cannot attend the actual UPR session. Given the historic and current importance of NGO input to the understanding, implementation and enforcement of international human rights laws and standards globally, this is a significant weakness of the UPR process. The NGOs concerns may be omitted or inadequately summarized in the report of the OHCHR. In addition, many NGOs do not have the resources to attend the UPR pre-session or effectively lobby states. In spite of these limitations, identification by states of specific rights abuses by the state under review and the remedies recommended are often based on NGO reports. During this reporting period, LRWC worked with other NGOs to produce submissions to the OHCHR and comment on the outcome of the UPRs.

- **China:** On 15 March 2019, LRWC co-sponsored [ISHR's statement](#) delivered during the outcome review of China's UPR pointing out examples of China's persistent lack of cooperative engagement with the UN human rights system. The speakers' list during the outcome review appeared to have been significantly orchestrated by China. Of the 13 statements by other countries, 11 were entirely congratulatory to China in content and tone. Of the 10 speaking slots allotted to NGOs, organizations obviously aligned with the Chinese government captured 6 speaking slots in order to praise China. Among the four NGOs able to gain speaking slots to express concerns about China's serious and systematic human rights violations were ISHR (joined by LRWC), Helsinki Foundation for Human Rights, and the International Federation for Human Rights Leagues (FIDH), and Human Rights Watch.
- **Turkey:** Seventeen organizations led by the Law Society of England and Wales (LSEW) with contributions from LRWC (Sebastian Ennis, Gail Davidson) made [joint submissions](#) filed on 15 July 2019, recommending changes to remedy the arbitrary and systematic arrest, detention, and prosecution of lawyers, judges, and prosecutors, interference with judicial independence, use of anti-terrorism law to unlawfully convict and imprison lawyers, unfair trials, lack of adequate or any access to clients and other serious abuses, violating the rights of lawyers and their clients. In addition, the group published a summary of

recommendations, [Erosion of Judicial Independence and Attacks on Lawyers in Turkey](#), in November 2019 for distribution to the States conducting the UPR scheduled for January-February 2020.

## B. UN HUMAN RIGHTS COMMITTEE

The UN Human Rights Committee (HR Committee) is a body of 18 experts that monitors every four years the compliance of countries (State Parties) that have ratified the International Covenant on Civil and Political Rights (ICCPR) and makes recommendations for remedial actions necessary to cure non-compliance. NGOs can file reports for consideration on the review. During this reporting period, LRWC filed a report to the HR Committee on Viet Nam.

- **Vietnam:** [Joint submissions](#) by LRWC and L4L (LRWC contributions by Joshua Lam, Eileen Skinnider, Gail Davidson) and endorsed by Viet Tan were filed 4 February 2019. The joint submissions identified Viet Nam's persistent failure to respect and protect the rights of lawyers to expression, liberty and security of the person, freedom from arbitrary detention, due process and fair trials and the right to provide legal services to detained persons. After the hearing, the Committee Chair [published a preliminary statement](#) urging Viet Nam to continue to address judicial independence, the death penalty, and the allegations of torture in detention.

On March 28, 2019, the [UN HRC issued its concluding observations](#) on Viet Nam with the final report ([CCPR/VN/CO/3](#)) issued on 29 August 2019. The HR Committee called on Viet Nam to ensure fair trials in line with international standards, access to legal counsel for defendants, and protection of lawyers and advocates in line with the UN Basic Principles on the Roles of Lawyers.

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

The WGAD is a group of five independent experts mandated to investigate and make recommendations for remediation in cases of deprivation of liberty alleged to be in violation of international human rights law (IHRL), which include the Universal Declaration of Human Rights (UDHR), the ICCPR, and other relevant instruments. Investigations can be initiated by complaint filed by individual(s) or group(s) or by the WGAD. On occasion, the WGAD has initiated investigations on the basis of LRWC letters. During this reporting period, LRWC engaged with WGAD investigations.

- **Cameroon:** The WGAD initiated a review of the case involving newscaster Mancho Bibixy Tse in response to the 14 July 2018 LRWC [letter](#) identifying his trial and sentencing before a military tribunal as unlawful. Mancho Bibixy Tse had been convicted on charges of “acts of terrorism”, “secession”, “propagation of false information”, “revolution”, “insurrection”, “contempt of public bodies and public servants”, and “hostility against the homeland”. The WGAD sought and obtained a response to the LRWC letter from Cameroon and subsequently invited LRWC's response. LRWC filed submissions in response to those of Cameroon on [5 February 2019](#) and [14 February 2019](#) (prepared by Rob Lapper Q.C., Gail Davidson, and Felix Nkongho). The LRWC submissions highlighted violations of rights to assembly, dissent, expression, fair trial; trial before a civilian court, legal aid, and freedom



from discriminatory prosecution. After a lengthy review, the WGAD first released an Opinion Letter on 15 August 2019 and then its [Opinion on 9 September 2019](#) (A/HRC/WGAD/2019/46) which essentially accepts the legitimacy of the concerns set out in LRWC's letter and submissions. The WGAD concluded that the trial and detention of Mancho Bibixy Tse was unlawful and his detention arbitrary and recommended immediate release, compensation, an independent inquiry of the arrest, accountability for those responsible and other remedies. For a summary see [WGAD Determines that Mancho Bibixy Tse is being Arbitrarily Detained](#). Mancho Bibixy Tse has not been released.

- **Saudi Arabia:** The WGAD requested an update on the situation of unlawfully detained lawyer Waleed Abu al-Khair. The WGAD has twice reviewed the detention of Mr. Abu al-Khair and concluded in Opinions released 26 October 2015 ([A/HRC/WGAD/2015/38](#)) and July 2018 ([A/HRC/WGAD/2018/10](#)) that he is unlawfully detained and should be released and compensated. LRWC's 11 March 2019 [update to the WGAD](#) provided answers to questions posed by the WGAD and particulars of Saudi Arabia's harsh treatment of Mr. Abu al-Khair that violates international standards on conditions of detention up to November 2017. Waleed Abu-al-Khair has not been released.
- **Turkey:** LRWC and Scholars at Risk (SAR) sent a [call for action](#) (Gail Davidson, Sebastian Ennis) on 21 May 2019 to the OHCHR, four Special Rapporteurs and the WGAD outlining the arbitrary prosecution, conviction and detention of Dr. Fincanci and others for endorsing the Academics for Peace's petition in January 2016. The petition (Peace Declaration) stated, 'we will not be part of this crime' and called for an end to actions by Turkey that violate rights protected by international law and/or the Turkish Constitution.
- **Turkey:** On 8 August 2019, LRWC sent [a letter](#) (Brian Samuels Q.C., Gail Davidson) to Turkey objecting to the conviction and sentencing of lawyer Nurullah Albayrak. The letter states that the alleged crimes underlying the conviction are not in fact crimes under Turkish law and would not be considered legitimate crimes under international human rights law. The WGAD indicated an interest in reviewing this case after receiving the LRWC letter.

#### **D. UN WORKING GROUP ON ENFORCED AND INVOLUNTARY DISAPPEARANCE**

- **Saudi Arabia:** LRWC endorsed a complaint to the Working Group on Enforced and Involuntary Disappearances (WGEID) by the RWCHR alleging that Saudi activist Samar Badawi was subjected to enforced disappearance within the Saudi prison system after her arrest on or about 30 July 2018. The complaint was filed in response to a decision issued in a May 2019 [report](#) to 'clarify' the case of Samar Badawi (see A/HRC/WEID/117/1 at para. 115). LRWC also provided the WGEID with its brief, [The Arbitrary Detention of Samar Badawi](#). Samar Badawi has not been released.

#### **E. UN WORKING GROUP ON BUSINESS & RIGHTS**

The Working Group on the issue of human rights and transnational corporations and other business enterprises, also referred to as The Working Group on Business and Human Rights (WG/BHR), is a body of five independent experts with a mandate to monitor, report on, and make recommendations to ensure the prevention and remediation of human rights abuses by corporate actors.

- **Thailand:** A total of 89 groups including LRWC endorsed a [joint letter](#) to Thailand sent 14 February 2019 calling for anti-SLAPP laws to protect human rights defenders in response to civil and criminal law suits by a poultry company against employees and others reporting labour rights abuses. The letter urged Thailand to follow the [recommendation](#) provided by a group of six UN human rights experts in May 2018 to “revise its civil and criminal laws as well as prosecution processes to prevent misuse of defamation legislation by companies” and urged Thailand to implement recommendations of the UN Working Group on Business and Human Rights to enact anti-SLAPP legislation “to ensure that human rights defenders are not subjected to civil liability for their activities.”

## F. INTERNATIONAL CRIMINAL COURT

LRWC sent letters dated [26 March](#), [9 April](#), [12 April](#), [16 April](#) and [26 April](#) 2019 objecting to and calling on states to condemn US threats directed at or capable of restricting the ability of ICC judges, prosecutors, and other personnel to carry out their judicial, prosecutorial and administrative duties free from interference, harassment, threats or reprisals. The threats appear to have been made in response to the 20 November 2017 request of the ICC Office of the Prosecutor (OTP) for authorization from the ICC Pre-Trial Chamber (PTC) to proceed with an investigation of the Situation in Afghanistan since 1 July 2002. As a result of a preliminary investigation commenced in 2007, the OTP reported having “a reasonable basis to believe that, at a minimum, the following crimes within the Court’s jurisdiction have occurred:...war crimes of torture, outrages upon personal dignity and rape and other forms of sexual violence, by members of the US armed forces on the territory of Afghanistan and members of the CIA in secret detention facilities both in Afghanistan and on the territory of other States Parties, principally in the 2003- 2004 period.” On 12 April, the PTC unanimously denied the OTP’s request to open an investigation, ironically citing the “interests of justice” as a factor prohibiting further investigation of known atrocities and the OTP appealed.

## IV. AMICUS BRIEFS

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### THAILAND: Joint Amicus Curiae Brief

- On 25 January 2019, the ICJ and LRWC submitted a joint amicus curiae brief (in Thai) to the Thai court in relation to criminal defamation proceedings. The proceedings were initiated in October 2018 by Thammakaset Company Limited (Thammakaset) against two human rights defenders, Ms. Sutharee Wannasiri and Mr. Nan Win, for reporting labour rights violations by Thammakaset. Catherine Morris authored LRWC’s [contribution](#) to the amicus brief.

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## V. IN-COUNTRY VISITS

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### THAILAND LRWC Monitor's visit to Thailand

In November 2019, LRWC's Thailand Monitor visited Thailand and held meetings with several lawyers, human rights defenders and NGO leaders to discuss how LRWC might best conduct advocacy in Thailand in 2020-21. The highest priority for Thai human rights defenders is to focus on advocacy to halt and prevent Strategic Litigation Against Public Participation (SLAPP), advocate for the ratification of the *International Convention for the Protection of All Persons from Enforced Disappearance* and the passage of legislation on enforced disappearances and torture that complies with international human rights law and standards. Also of interest was dissemination in Thailand of LRWC's Guide to International Law Rights to Legal Aid and LRWC's Handbook on International Law Rights to Pre-Trial Release. Both of these guides were authored by Lois Leslie. Part of the guide on pre-trial release has been translated into Vietnamese as part of a submission to an appeal court in Viet Nam. LRWC was advised that funding would be required to adapt and translate these manuals into Thai language.

### CAMBODIA LRWC Monitor's visit to Cambodia

LRWC's Cambodia monitor visited academics, officials, lawyers and human rights defenders in Phnom Penh from 27 November to 5 December to discuss how LRWC might best work with Cambodian defenders. Topics of discussion were protection of human rights defenders, legal aid, and Cambodia's Law on Associations and NGOs (LANGO). There is a need for advocacy to uphold civil society rights to freedoms of association, assembly and expression. Also needed is advocacy on independence of judges and lawyers, and the right of equal access to justice and fair trials. An important concern is advocacy on the duty to investigate extra judicial killings such as the murder of human rights defender Kem Ley in 2015, the murder of indigenous land defender Chut Wutty in 2012, and the murder of labour rights leader Chea Vichea in 2004. Given the high risk of judicial harassment of dissenters and defenders in Cambodia, there was also interest expressed in the potential of advocacy to prevent reprisal criminal charges and lawsuits – or Strategic Litigation Against Public Participation (SLAPP). There was discussion about the possibility of disseminating several of LRWC's manuals in Cambodia, including LRWC's Guide to International Law Rights to Legal Aid and possibly *LRWC's Handbook on International Law Rights to Pre-Trial Release*. LRWC was advised that funding would be required to translate these manuals into Khmer language.

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## VI. NOMINATIONS AND AWARDS FOR DEFENDERS AT RISK

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International awards are important to defenders subject to or threatened with, reprisals for their advocacy. Awards to defenders suffering or threatened with illegitimate charges, unfair trials, and arbitrary imprisonment acknowledge the legitimacy and importance of the human rights advocacy and focuses international attention on the injustice faced by the nominee. In addition, as stated by an arbitrarily imprisoned lawyer, "knowing I am remembered, and my work valued gives me hope and keeps me alive."

### **Waleed Abu al-Khair of Saudi Arabia**

- In March 2019 [LRWC nominated](#) Waleed Abu al-Khair for the L4L Human Rights Award with references from New York Attorney Daniel Arshack and Tony Fisher, Chair of the Human Rights Committee of the LSEW. The L4L award was [given to Selçuk Kozagaçlı](#) of Turkey.
- The American Bar Association Human Rights Award for 2019 was awarded to Waleed Abu-al-Khair following his nomination by LRWC, L4L, the LSEW, and the Union Internationale des Avocats (UIA). The award honours his extraordinary work as a lawyer, an advocate for human rights, democracy and justice for all in Saudi Arabia and for his representation of victims of human rights abuses. Waleed Abu al Khair has been arbitrarily imprisoned for his advocacy since April 2014 under unremittingly severe conditions. He has refused Saudi offers for release in return for a forced apology and silence, courageously opting to remain at cost of his own liberty, a voice for victims and an advocate for human rights reform. The UN Working Group on Arbitrary Detention ruled, in response by a [complaint by LRWC and others](#), that his arrest, conviction and detention lack any legal basis and has twice recommended that Saudi Arabia immediately release him and provide compensation for his arbitrary detention.

## **VII. INTERNATIONAL HUMAN RIGHTS LAW REPORTS TO CANADIAN GOVERNMENTS**

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### **CANADA/MYANMAR**

- [“Canada’s obligation to hold Myanmar accountable for genocide: Pass Senate Motion 476.”](#) This LRWC brief released at a Press Conference in Ottawa on 13 June 2019 outlines Canada’s obligation to refer the issue of genocide in Myanmar to the International Court of Justice (ICJ) under the Genocide Convention Article IX in view of the UN Security Council’s failure to refer the situation of Myanmar to the International Criminal Court (ICC) for investigation of alleged crimes against humanity and war crimes against Rohingya. The brief was in response to the UN Fact Finding Mission confirming genocide against the Rohingya and in support of the Senate Motion. LRWC also sent letters in support of Canada’s intervention. The bill died without a vote. On 13 June, Catherine Morris joined a Press Conference in Ottawa calling for action to prevent impunity for genocide, ensure measures to protect the 1 million refugees in Bangladesh and remedies for those killed, injured and displaced. LRWC also sent a letter (11 June) to Conservative Party MPs blocking passage of the Senate Motion. On 11 November 2019 The Gambia with the support of the Organization of Islamic Cooperation ([The Gambia v. Myanmar](#)) initiated proceedings in the ICJ under the Genocide Convention. In early December [Canada and The Netherlands announced](#) they would explore “all options” to support and assist The Gambia in its application.

## **VIII. LETTERS FOR LAWYERS**

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During the reporting period, LRWC intervened on behalf of HRDs and other victims of rights violations in over 20 countries including: Cambodia, Canada, Chile, China, Colombia, Hong Kong,

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Indonesia, Iran, Mexico, Morocco, Myanmar, Netherlands, Pakistan, Philippines, Saudi Arabia, Sri Lanka, Sudan, Thailand, Turkey, USA, Viet Nam, Zambia, and Zimbabwe.

Members of LRWC wrote, contributed to and endorsed more than 60 letters and statements in 2019. Letters were sent in support of HRDs subjected to grave abuses that included: illegal use of force by police against protesters, harassment, arbitrary arrest, detention and unlawful prosecution, convictions lacking legal basis or that violate international law, the use of laws and courts to punish the lawful exercise of internationally protected rights, imprisonment often under brutal conditions, torture, and murder. The abuses objected to were directed at advocates engaged in exposing or opposing rights violations by state actors and in representing victims and activists defending rights to land and a healthy environment. Letters were also written by LRWC and in partnership with other NGOs to object to state failures to abide by international human rights law and remind them of requirements to conduct thorough and effective investigations, to allow UN monitoring, and to ensure that HRDs are not subject to extradition that would put them at risk of arbitrary detention, torture and other ill-treatment. LRWC also wrote to states to encourage them to refrain from arms sales, to stop criminalization of human rights advocacy, and to secure release of all persons subject to unlawful detention.

LRWC letters expose abuses, enhance understanding of international human rights laws and obligations, and identify remedies for violations. LRWC also joined letters advocating reform at the UN Human Rights Council and joint action by states. A basic advocacy tool, letters can be the foundation for complaints and reports to monitoring bodies and amicus briefs and often inspire working relationships with other human rights NGOs. They also offer encouragement and support to individual HRDs in dire situations and can result in remedies for the victim(s), exposure of the violations, calls for remediation from the international community and compliance at the national level.

## **IX. 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, integrity of legal systems, and rights to engage in and access independent advocacy—is central to all LRWC work. During this reporting period, LRWC collaborated with others in hosting education events about international human rights standards impacted by a variety of issues of public concerns.

- **Day of the Endangered Lawyer (DOEL):** LRWC members Joey Doyle and Brian Samuels Q.C. organized a DOEL [lunch hour event](#) at the UBC Faculty of Law that featured presentations by Brian Samuels Q.C., Ozge Yazar, and appearing by Skype, Mehmet Kilic, President of the Journalists and Writers Foundation. In Toronto, LRW(LR)C Chair Gavin Magrath joined colleagues at the Law Society of Ontario in welcoming video comments and an expert panel focusing on challenges to the rule of law in Pakistan. More than 100 attended in person with another 400 attending virtually, making this one of the world's largest DOEL events.
- **In Defence of Justice: End Impunity:** LRWC and the Canada-Philippine Solidarity for Human Rights co-hosted [In Defence of Justice in the Philippines: End Impunity](#) on May 8<sup>th</sup> with Attorney Edre Olalia, President of the National Union of People's Lawyers at Simon



Fraser University (SFU) Harbour Centre in Vancouver. Atty Olalia explained the ongoing crisis created by President Duterte's 'war on drugs' which since July 2016, has resulted in thousands of extra-judicial killings including 40 jurists.

- **Side event at the UNHRC 41<sup>st</sup> Session:** On 27 June 2019 in Geneva, LRWC co-sponsored a side event at the UNHRC entitled [\*Human Rights in China – Strengthening Calls for Accountability\*](#) with Human Rights Watch, ISHR, Law Council of Australia, IBAHRI, and L4L.
- **Visit of Colombia lawyers to Canada:** [\*Beyond Borders: Climate change, human rights and the struggle for peace in Colombia\*](#). LRWC supported and facilitated public events and meetings with lawyers in Toronto, Vancouver and Duncan as part of the tour of Canada by Colombian human rights lawyers and journalists organized by Peace Brigades International/Canada (PBI). On 6 November there was a well-attended public forum at SFU Morris J. Wosk Centre for Dialogue, featuring talks by the Colombians about the deteriorating human rights situation in Colombia and the lack of adequate protection for human rights defenders. This event was co-sponsored by the SFU Institute for the Humanities, Mining Watch Canada, Amnesty International/Canada and PBI. On 7 November the Colombian delegates met in Vancouver two groups of interested lawyers to discuss critical human and environmental rights issues in Colombia, and possible roles for Canadian lawyers to advocate for defenders in danger and to take cases to Canadian courts. On Nov 9 delegates met in Duncan BC with the Hul'qumi'num Treaty Group (HTG) to discuss the indigenous land rights and the [\*HTG's petition\*](#) before the Inter-American Commission on Human Rights.

## **X. LEGAL RESEARCH & PUBLICATIONS**

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LRWC reports, statements, complaints, amicus briefs and other written materials are available online at [www.lrwc.org](http://www.lrwc.org) in the Library section and/or in one of the Country sections and can be reproduced free of charge. The Right to Dissent is also available for purchase in print and in ebook form through Amazon. Written and oral statements by LRWC to the HRC and written reports to UN treaty monitoring bodies can be accessed on UN websites. LRWC guides to international human rights laws and standards are produced for public use and are not restricted by copyright. People are free to copy, distribute and display LRWC work and to make derivative works, with appropriate credit to LRWC.

### **LRWC Publications**

- **Global:** [\*Prisoners' Right to Medical Treatment: International Law Provisions\*](#), Grace Cheung, updated by Temisan Boyo Fanou, 19 March 2019
- **Global:** [\*The Right to Counsel: A Guide to International Law Rights to Legal Assistance and Representation\*](#), Luiza Teixeira, February 2019.
- **Global:** [\*ATTACKING DEFENDERS: The Criminalization of Human Rights Advocacy. A guide to international law rights of human rights defenders\*](#), by Lois Leslie BSocSc (Hons), LLB, LLM with a Foreword by Michel Forst, UN Special Rapporteur on the situation of human rights defenders. An advance edition was released for feedback in

November 2019. The final version was released 6 May 2020. This guide is a companion guide to [The Right to Dissent](#).

- **Cameroon:** [Human Rights Catastrophe in Cameroon](#), Rob Lapper Q.C., Catherine Morris, Felix Nkongho Agbor, Gail Davidson. This report August 2019 summarizes and augments the joint report [“The Unfolding Crisis in Cameroon”](#), includes recommendations for action and will be filed with the Human Rights Council.
- **Canada:** [Canada’s obligation to hold Myanmar accountable for genocide](#), Catherine Morris, 13 June 2019
- **Philippines:** [Killing the Lawyers: Forty-three Jurists Murdered in the Philippines since 2016](#), Maree Bullivant, Gail Davidson, Farhad Ghesimanidad and Catherine Morris, 5 July 2019.
- **Saudi Arabia**
  - [Working Paper on Samar Badawi](#), Maya Duvage and Gail Davidson, 27 March 2019
  - [The Arbitrary Detention of Samar Badawi](#), prepared for LRWC by Gail Davidson, Tamara Freidman and Parveen Parmar, released for feedback to partner NGOs 20 September 2019.
  - [Summary of the United Nations Working Group on Arbitrary Detention Opinions on arbitrary detentions in Saudi Arabia](#), Gail Davidson and Natasha Rygnestand-Stahl, September 2019.
- **Vietnam:** [Freedom from Exile – International Law: Viet Nam and the exile of Nguyen Văn Đài and Lê Thu Hà](#), a draft working paper, prepared for LRWC by Gail Davidson, Joshua Lam and Aliya Virani; released for feedback to partner NGOs, 12 September 2019.

### Amicus Briefs

- **Thailand:** On 25 January 2019, the ICJ and LRWC submitted a joint amicus curiae brief (in Thai) to the Thai Court of Appeal in relation to criminal defamation proceedings against two human rights defenders. Catherine Morris provided LRWC’s [contribution](#) to the amicus brief.

### UN Treaty Monitoring Bodies and Special Procedures

#### **Working Group on Arbitrary Detention (WGAD)**

- **Cameroon:** LRWC submissions to the WGAD regarding the detention of Mancho Bibixy Tse in Cameroon, [5 February 2019](#) and [14 February 2019](#) (Rob Lapper Q.C., Gail Davidson, and Felix Nkongho).
- **Saudi Arabia:** LRWC [update to the WGAD](#) regarding the unlawful detention of Waleed Abu al-Khair in Saudi Arabia, 11 March 2019 (Gail Davidson).

#### **Working Group on Enforced and Involuntary Disappearances (WGEID)**

- **Saudi Arabia;** LRWC and RWCHR joint submission to the WGEID regarding the enforced disappearance of Samar Badawi within the prison system of Saudi Arabia, September 2019 (Gail Davidson for LRWC)

## Universal Period Review (UPR)

- **Turkey:** Joint submissions regarding the UPR of Turkey by the: LSEW, LRWC, Bar Human Rights Committee of England & Wales; Conseil National des Barreaux; European Association of Lawyers for Democracy and World Human Rights; L4L, Norwegian Bar Association, Human Rights Committee; International Observatory of Endangered Lawyers; Paris Bar Human Rights Institute; German Bar Association, Human Rights Committee; Geneva Bar Association, Human Rights Commission; Abogacía Española – Consejo General; and, UIA – International Association of Lawyers, July 2019 (Gail Davidson and Sebastian Ennis for LRWC).

## Human Rights Committee

**Viet Nam:** LRWC and L4L [Joint submissions](#) on non-compliance with the ICCPR by Viet Nam by LRWC and L4L and endorsed by Viet Tan, 4 February 2019 (Joshua Lam, Eileen Skinnider, Gail Davidson for LRWC).

## Statements to the UN Human Rights Council

### Written Statements:

- **Cambodia:** [The roots of Cambodia's persistent rights violations: Impunity of the powerful](#). A joint written statement by LRWC and AHRC, August 2019.
- **Cameroon:** [Human Rights Catastrophe in Cameroon](#), a written statement by LRWC, endorsed by the Centre for Human Rights and Democracy in Africa and the Raoul Wallenberg Centre for Human Rights (RWCHR), August 2019. A [press release published 26 August](#) summarizes the report.
- **Philippines:** [Extrajudicial killing of jurists as part of a pattern of widespread and systematic violations of human rights](#). A written statement by LRWC, joined by L4L, ALRC, International Association of Democratic Lawyers (IADL), International Association of People's Lawyers (IAPL), Bar Human Rights Committee of England and Wales (BHRC) and the Philippines National Union of Peoples' Lawyers (NUPL), August 2019. A [press release published 9 September](#) summarizes the issues raised and the remedies requested.
- **Thailand:** [Unforgotten in Thailand: Ensure Truth, Justice and Reparation for Victims of Enforced Disappearance](#). A joint written statement by LRWC and ALRC, August 2019.

### Oral Statements

- **Myanmar:** [Testimony of Rohingya witness. Seeking justice and redress for atrocity crimes](#). A statement by Rohingya refugee and peace advocate, Ms. Hamida Khatun, 11 March 2019 facilitated by LRWC and ISHR. Video [here](#).
- **Iran:** [Ongoing and Intensified Wrongful Treatment of Lawyers in the Islamic Republic of Iran](#), LRWC, 11 March 2019. Video [here](#).
- **Iran:** [Arbitrary detention and disproportionate sentencing of lawyer Ms Nasrin Sotoudeh](#). LRWC, 12 March 2019. Video [here](#).

- **China and Saudi Arabia:** [\*Systematic arbitrary detention of human rights lawyers and defenders\*](#) LRWC, 13 March 2019. Video [here](#).
- **Saudi Arabia UPR Outcome:** [\*Duty to release unlawfully detained defenders\*](#) LRWC, ISHR, and CIVICUS, 14 March 2019. Video [here](#).
- **China UPR Outcome:** [\*Joint statement\*](#) of LRWC and ISHR, 15 March 2019. Video [here](#).
- **Sri Lanka:** [\*Accountability for Atrocity Crimes\*](#), LRWC, 20 March 2019. Video [here](#).
- **China:** [\*Repression of human rights lawyers and legal activists\*](#), LRWC, L4L, IBAHRI and ISHR, 24 June 2019. Video [here](#).
- **China, the Philippines, Saudi Arabia, Turkey:** [\*Attacks on lawyers in China, Philippines, Saudi Arabia and Turkey\*](#), LRWC, IBAHRI and L4L, 1 July 2019. Video [here](#).
- **China, the Philippines, Saudi Arabia, Cameroon:** [\*Human rights crises in China, the Philippines, Saudi Arabia and Cameroon\*](#), LRWC, 11 September 2019. Video [here](#) at Chapter 74.
- **China, Saudi Arabia, Turkey, Cameroon:** [\*Arbitrary detention of lawyers and defenders in China, Saudi Arabia, Turkey, and Cameroon\*](#), LRWC, 16 September 2019. Video [here](#) at Chapter 55.
- **South Sudan:** [\*Disappearance and killing of human rights defenders in South Sudan\*](#), LRWC, 16 September 2019. Video [here](#) at Chapter 21.
- **Myanmar & Bangladesh:** [\*Rights, dignity, and future of genocide survivors at stake.\*](#), LRWC and the ALRC, 16 September 2019. Video [here](#).
- **Philippines:** [\*Halt assassinations of lawyers and ensure accountability for perpetrators\*](#), LRWC and L4L, 16 September 2019. Video [here](#) at Chapter 7.
- **Saudi Arabia:** [\*Release Loujain Al-Hathloul\*](#). ISHR and LRWC, 25 September 2019. Video [here](#).
- **Cambodia:** [\*Failure to fulfill international law obligations.\*](#), LRWC, ICJ and ISHR, 25 September 2019. Video [here](#) at Chapter 21.
- **Sudan:** [\*Grave violations against protesters continue under transitional government\*](#), LRWC, 25 September 2019. Video [here](#) at Chapter 49.
- **Yemen:** [\*Call to ban export of arms to conflict in Yemen.\*](#), LRWC, 26 September 2019. Video [here](#)

## XI. WORK WITH OTHER NGOS

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LRWC cooperated with hundreds of domestic, regional, and international NGOs around the world working to promote and protect some aspect of internationally protected rights, the integrity of legal systems or the rule of law. Cooperation with other organizations serves to enhance the quantity, quality, and effectiveness of LRWC work. Only a few are listed below. To view more see the [Newsletter](#). LRWC is grateful to all the organizations we were fortunate enough to work with.

AHRC; Amnesty International Canada; Arrested Lawyers Initiative/Turkey; Article 19; Asociación Cultural Tibetano-Costarricense; Association for Human Rights in Ethiopia; Bar Human Rights Committee of England and Wales (BHRC); Cambodian Center for Human Rights; Centre for Human Rights and Democracy in Africa; Centre for Law and Democracy; China Human Rights

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Lawyers Concern Group; CIVICUS; Colombia Caravana; Day of the Endangered Lawyer; European Democratic Lawyers; Frontline Defenders; International Association of Democratic Lawyers (IADL); International Association of People's Lawyers (IAPL); International Federation for Human Rights-FIDH; FORUM-ASIA; Gulf Center for Human Rights; Human Rights Watch; IBAHRI; International Civil Liberties Association; ISHR0 LSEW National Union of Peoples' Lawyers/Philippines; Peace Brigades International; RWCHR; Philippines National Union of Peoples' Lawyers (NUPL); Reporters Without Borders; Union Nationale des avocats-UIA; Viet Tan; World Organisation Against Torture (OMCT).

## **XII. OUR CONSTITUTION**

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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

## **XIII. BOARDS 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 or May and serve until the next election.



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