

Lawyers' Rights Watch Canada

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

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LRWC NEWSLETTER

April 2010

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LRWC Annual General Meeting – Saturday April 24th 2010 in Toronto and Vancouver

LRWC's AGM was held on Saturday April 24th, simultaneously linked by video-conference in Toronto and Vancouver. The meeting facilitated connections between LRWC members, directors and country monitors. The Law Society of British Columbia approved the meeting as qualifying for a 1.5 hour credit towards the 12 hours of Continuing Professional Development that BC lawyers are required to complete annually. LRWC gratefully acknowledges the annual general meeting committee for their time: Catherine Morris, Constance Marlatt, Isabel Stamwasser, Cara Gibbons and Gail Davidson.

Congratulations to LRWC & LRW(LR)C 2010-2011 Board of Directors!

LRWC is pleased to announce the election of the following people to sit on the LRWC and LRW(LR)C board of directors:

Lawyers Rights Watch Canada

Kelley Bryan, Law Society of Upper Canada, Toronto, ON
Marjorie Cohn, California Bar, Thomas Jefferson School of Law, San Diego, CA
Paul D. Copeland, Law Society of Upper Canada, Toronto, ON
Gail Davidson, Law Society of BC, Vancouver, BC
Leo McGrady QC, Law Society of BC, Vancouver, BC
Harini Sivalingam, Law Society of Upper Canada, Toronto, ON
David F. Sutherland, Law Society of BC, Vancouver, BC

Lawyers Rights Watch (Legal Research) Canada

Clive Ansley, Law Society of BC, Courtney, BC
Cara Gibbons, Law Society of Upper Canada, Toronto, ON
Jane Henderson, QC, Law Society of BC, Vancouver BC
Constance Marlatt, Law Society of Upper Canada, Toronto, ON
Catherine Morris, Law Society of BC, University of Victoria, Victoria, BC
Isabela Piacentini de Andrade, Université de Paris, Paris, France

Margaret (Peggy) Stanier, Law Society of BC, Vancouver, BC

Special Rapporteurs respond to LRWC submissions and ask for Omar Khadr's release and repatriation

Two United Nations experts, Manfred Nowak, the Special Rapporteur on Torture and Martin Sheinin, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, have issued joint Urgent Appeals on the Omar Khadr case: to Canada on April 13, 2010 and to the U.S. on April 27, 2010. Mr. Nowak's Office, while not able to divulge the specific contents which are confidential, confirmed that both Urgent Appeals were based on the March 2010 submissions by Lawyers Rights Watch Canada that asked the Special Rapporteurs to make two direct requests, one to the Government of the U.S. to release Omar Khadr and one to the Government of Canada to repatriate him.

LRWC filed a [report](#) on the Omar Khadr case for consideration at the 13th Session of the United Nations Human Rights Council. At a meeting with LRWC representative Isabela Piacentini, Professor Manfred Nowak said he would issue urgent actions if LRWC provided [additional submissions](#) which LRWC did on March 22, 2010. In September 2008 LRWC filed a [report](#) for consideration on the Universal Periodic Review of Canada that was endorsed by 45 organizations.

United Nations: 14th Session of the Human Rights Council (HRC) in Geneva, May 31-June 18 2010

LRWC and Lawyers for Lawyers are organizing a side event on *Attacks on Advocates: The Need for Protective Measures*, to be held June 3rd in Geneva. The International Commission of Jurists has joined us as a co-sponsor. Margaret Sekaggya, in her March 2010 report to the Human Rights Council, noted the lack of effective protective measures for human rights defenders and recommended that NGOs, "...Create...coalitions and networks to enhance the protection of defenders" Currently there is no prospect for such measures to be provided quickly by either state or regional bodies.

The purpose of the side event is to bring NGOs together to take the first steps towards developing a global network of NGOs to provide effective 'first response' protective measures.

On behalf of LRWC, Isabel Stramwasser will attend the first week of the 14th session; Hugh Gwillim plans to attend later in June.

Letters for Lawyers

Burma: LRWC (Paul Copeland & Gail Davidson) wrote to Prime Minister Harper on April 30, asking that Canada put known problems with the upcoming Burma election on the G8 agenda and Canada join other countries in condemning the military junta's election plan as a blueprint for re-installing the military dictators via a fraudulent election.

Canada: Gail Davidson wrote an open letter to members of parliament on the Omar Khadr case regarding the charter protected right to return to Canada. The [letter](#) was published by the Globe and Mail, Global Research and the Canadian Challenger.

Mexico: Cara Gibbons wrote a letter to mark with concern the two-year anniversary of the wrongful detention of Mexican indigenous human rights defender Raúl Hernández. Raúl Hernández is a member of the Me'phaa Indigenous People's Organisation (OPIM) which promotes the human rights of the Me'phaa people in Guerrero state in Mexico. The letter calls on the Mexican authorities to immediately release Raúl Hernández and take measures to ensure that Hernández, his family and all members of OPIM receive adequate protection measures.

Spain: LRWC joined over 50 organizations and many individuals in signing the March 23, 2010 “[Open Letter to the Spanish Judiciary in Solidarity with Justice Baltasar Garzón](#).” Judge Garzón has been charged with violating Spain’s 1977 amnesty law by opening an investigation (in September 2008) of over 100,000 enforced disappearances and extra-judicial executions during the Franco-era. Before closing the investigation in October 2008, Garzón had ordered the exhumation of 19 mass graves and identified Franco and 34 former generals and ministers as suspects. The criminal complaint behind the charges against Garzón was brought by three right-wing groups apparently representing Franco sympathizers: Falange, Manos Limpias and Libertad e Identidad. Garzón is suspended pending investigation and trial of the charges against him and if convicted could be barred from sitting as a judge for up to 20 years.

Notable Decisions

On April 8th 2010, the Supreme Court of Canada announced that it would not hear an appeal from the [BCCA decision](#), *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337, that could compel Crown prosecutors to testify regarding the reason for not pressing charges in Frank Paul’s death. On December 5, 1998, police removed Mr. Paul from Vancouver police lockup and left him in a nearby alley where he died from hypothermia due to exposure/alcohol intoxication.

The primary issue on appeal was the degree to which the principle of prosecutorial independence prevents a public inquiry into the exercise of prosecutorial discretion. The court held that while Crown immunity protecting prosecutorial discretion does have application in the context of a public inquiry, it extends only so far as is necessary to protect constitutional principles such as the separation between the judicial and executive branches of government, and the prosecutorial independence of the Crown. The court ruled that the mandate of the [Davies’s Commission](#) did not violate the principles of prosecutorial independence and that the information sought by the commission was not protected by solicitor-client privilege.

Legal Research and Writing

- [Protective Measures in the Inter-American Human Rights System](#), by Isabela Piacentini de Andrade, April 2010.

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Defend Defenders around the world by becoming a monthly donor to LRWC

- Fees and donations can be made by cheque or through PayPal (fees & one-time donations) or Canada Helps (one time and monthly donations). Both are linked through lrwc.org
- Monthly donations increase LRWC’s ability both to respond quickly and plan ahead.
- Airline points donated to LRWC qualify as a tax-deductible donation!
- Donations made by December 31, 2010 are eligible for a 2010 charitable tax receipt.

LRWC is funded entirely by members and private donors.

Thanks for your support.

