Lawyers' Rights Watch Canada

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

LRWC ANNUAL REPORT 2013

(April 1, 2012 to March 31, 2013)

“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:

- Campaigning for jurists and other advocates whose rights, safety or independence are threatened because of their human rights advocacy.
- Producing legal analyses of national and international laws and standards relevant to advocacy rights and the rule of law.
- Working in cooperation with other human rights organizations.
- Engaging 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.

IN THIS REPORT

Executive Director’s Message 2
United Nations Participation 3
United Nations Human Rights Council 3
Universal Periodic Reviews 5
UN Treaty Monitoring Bodies 7
In-Country Investigations and Trial Monitoring 8
Burma 8
Cambodia 8
Colombia 9
Thailand 10
Turkey 10
Letters For Lawyers 11
International Human Rights Education 12
Legal Research 14
LRWC Publications 14
Other Publications 15
Press Releases 16
Work with Other NGOs 17
Constitutions 18
Boards of Directors 18
Donors, Contributors & Volunteers 19
Contact Information 20
EXECUTIVE DIRECTOR’S MESSAGE

MAKING A DIFFERENCE

This is an exciting time; a time when the law could actually become an instrument of justice and a means to peacefully and fairly resolve disputes, instead of a tool of repression as it is in many States, or a means of maintaining privilege as it is here in Canada. Around the world people are asserting entitlement to the most basic and the most valuable rights—to liberty, water, clean air, healthy land and the right to participate meaningfully in decision making and governance. The attitude that international human rights laws are ‘quaint’ or ‘aspirational’ and can be ignored with impunity has changed, not from the top but from the bottom. People are insisting on their entitlement to rights and the rule of law, to a governance system where rights are protected and the abuse of power is prevented by properly passed laws enforced by independent courts. Advocates and activists for democracy, rights and the rule of law are relying on international human rights law and standards to determine these rights and on international monitoring bodies as the forums to confirm them. Access to international human rights education and training is increasingly critical as a tool to promote peaceful change.

LRWC is proud to be part of that change through education and research and advocacy on behalf of advocates in danger because of their human rights work. Broadly, LRWC education and research contributed to improved understanding of international human rights laws and standards and to better implementation in many places around the world. In particular cases, LRWC effectively stood up for the rights of lawyers and other human rights defenders facing a variety of retaliatory actions: unlawful arrests and arbitrary detention, malicious prosecutions, punitive civil suits, criminalization of human rights activities, denial of due process, assaults, murder, intimidation and other abuses. Increased cooperation with other NGOs improved the scope and efficacy of all LRWC initiatives.

We are proud of our successes (from the work of LRWC and others) which include:

- Fourteen lawyers were released from jail in Turkey;
- Sentences were reduced for 14 wrongfully convicted people in Cambodia;
- Eleven unfairly disbarred lawyers were reinstated in Burma;
- A lawyer was released in China;
- Civil and criminal defamation suits were dismissed with costs in Costa Rica;
- Protection was provided for lawyers threatened with death in Cameroon;
- Judge Garzón was acquitted of malfeasance in Spain;
- A repressive NGO law remains under review in Bangladesh;
- The UN Committee against Torture, the Human Rights Committee and the Human Rights Council made recommendations suggested by LRWC and its partners;
- Education and legal research provided individuals and NGOs with the tools to participate in advocating for the recognition, respect and full implementation of international human rights law locally and globally.

LRWC’s urgently needed work was done pro bono with the help of other human rights advocates and was made possible through the support of LRWC members and donors. Thank you.
ACTIVITIES IN THE REPORTING PERIOD

I. UNITED NATIONS PARTICIPATION

LRWC attended all three sessions of the Human Rights Council (HRC) in Geneva and during these sessions made nine oral interventions, co-hosted three side events and met with representatives of NGOs, States, and the UN to discuss strategies for enhanced human rights recognition and enforcement. In addition, LRWC, in collaboration with other NGOs, provided written submissions (shadow reports) to two treaty monitoring bodies: the Committee against Torture (Canada) and the Human Rights Committee (Turkey). LRWC and partner organizations provided three reports to the Office of the High Commissioner for Human Rights (OHCHR) for the 2nd Universal Periodic Reviews of Canada, China, and Mexico. LRWC attended the pre-session and the actual 2nd Universal Periodic Review of Sri Lanka in Geneva. LRWC also attended the 11th Session of the Assembly of States Parties to the Rome Statute in The Hague. For more details of and links to these reports see the Publications section.

LRWC co-hosted two side events while Council was in session and one side event prior to the 2nd Universal Periodic Review of Sri Lanka. Side events provide information and ideas about international human rights issues to NGOs, representatives of States, and representatives of the UN. Side events are an important means of networking, exchanging knowledge and building coalitions.

I.1 UNITED NATIONS HUMAN RIGHTS COUNCIL (HRC)

A. 20th Session of the UN Human Rights Council: 18 June – 6 July 2012

LRWC was one of approximately 70 NGOs attending the 20th Session of the Council. Catherine Morris, Gary Anandasangaree, and Paul Scamblard attended on behalf of LRWC from 18-22 June 2012. Vani Selvarajah registered LRWC to make oral presentations. LRWC took part in the HRC’s general debate and in the Interactive Dialogue with the Working Group on Business and Human Rights. Ms Morris met with officials of the UN Office of the High Commissioner for Human Rights (OHCHR) to discuss LRWC’s recently published report on international human rights education and training. As a result, the LRWC handbook has now been placed in the OHCHR library along with a direct link to the report in the library catalogue.

LRWC delegates attended several side events held in conjunction with the 20th Session including “Shrinking space for civil society,” organized by the World Alliance for Citizen Participation, and “Human Rights in Honduras,” organized by Centro Regional de Derechos Humanos y Justicia de Género, which provided data on enforced disappearances as well as murders of 39 lawyers, 24 journalists and other civil society activists since the coup in 2009.

i. Oral interventions at the 20th Session

- **Global:** *Human Rights Education integral to the realization of human rights*. On 18 June 2012, Catherine Morris presented an oral statement about the State duties to ensure education of state officials and the general public about internationally protected rights and to ensure a safe and enabling environment for civil society groups to advocate and educate about international human rights.
Asia: *Business enterprises and attacks on human rights defenders and protestors*. On 21 June 2012, Ms Morris made a statement on behalf of LRWC and the Asian Legal Resource Centre about the escalation of violent attacks and judicial harassment of people protesting labour or land-rights violations in Thailand, Myanmar and Cambodia.


Vani Selvarajah attended the 21st Session of the HRC from 10-28 September 2012 on behalf of LRWC. LRWC Sri Lanka monitor, Gary Anandasangaree, also attended. LRWC made two thematic interventions and one country-specific intervention. LRWC took part in the HRC’s interactive dialogue with the Special Rapporteur on the situation of human rights in Cambodia, along with several other NGOs, calling for justice for human rights defenders and independence of the judiciary and the bar in Cambodia.

LRWC attended the second HRC Nelson Mandela International Day panel discussion which focused on how the values of reconciliation, peace, freedom and racial equality inspired by Nelson Mandela could contribute to the promotion and protection of human rights. Ms Selvarajah engaged with various country missions to follow up on the March 2012 HRC resolution promoting reconciliation and accountability in Sri Lanka. Ms Selvarajah also met with country missions to provide them with updated information on the human rights situation in Sri Lanka. In anticipation of the 1 November 2012 Universal Periodic Review (UPR) of Sri Lanka, Ms Selvarajah made a statement at the pre-session on 31 August 2012 where she provided a summary of the situation of women in post-war Sri Lanka and the hardship they face, including threats to the economic, physical and sexual security of women. She called upon States to make interventions during Sri Lanka’s UPR to encourage the government to provide women with opportunities to ensure their economic sustainability and to substantially demilitarize the North and East provinces of Sri Lanka.

**i. Oral Interventions at the 21st Session**

- **Bahrain & Sri Lanka: Reprisals against human rights defenders.** On 13 September 2012, Vani Selvarajah presented a statement about activists threatened with violence for attending Council, in which the statement calls on Council to condemn and respond to harassment and intimidation against human rights defenders.
- **Canada: Access to justice for Indigenous Women and girls.** On 18 September 2012, Vani Selvarajah presented a statement explaining the unequal access to justice by victims and their advocates during the Missing Women Inquiry in British Colombia and called on Council to address persistent inequality. This presentation can be viewed on the [UN website](http://www.un.org).
- **Cambodia: On the situation of human rights in Cambodia.** This joint statement of LRWC and ALRC, delivered on 25 September 2012, highlights issues of continuing concern regarding judicial harassment of and violence against human rights defenders involved in defending community land rights against encroaching business developments, problems with the independence of judges and lawyers, and repressions of freedom of expression.

**ii. Side Events during the 21st Session**


C. **22nd Session of the UN Human Rights Council: 25 February – 22 March 2013**

Gary Anandasangaree and Vani Selvarajah attended the 22nd Session of the HRC in Geneva: Ms Selvarajah attended from 4-15 March and Mr. Anandasangaree attended for the first and last week. Ms Selvarajah and Mr. Anandasangaree attended side events and met representatives of NGOs, States and the UN in addition to lobbying for acceptance of the HRC resolution on Sri Lanka.

i. **Oral Interventions at the 22nd Session**

• **Sri Lanka: Deteriorating Human Rights in Sri Lanka | Video**
  On 4 March 2013 in the Interactive Dialogue with the High Commissioner, Ms Selvarajah presented a joint statement by LRWC and International Movement against All Forms of Discrimination and Racism (IMADR) condemning the deteriorating situation in Sri Lanka.

• **Canada: Impunity and the Omar Khadr case | Video**
  On 11 March 2013 Ms Selvarajah presented a statement on States’ failure to ensure accountability for torture citing the Omar Khadr case as an example.

• **Burma: Prisoners of Conscience | Video**
  On 12 March 2013 Ms Selvarajah made a statement calling for the release of political prisoners, the re-instatement of arbitrarily disbarred lawyers and more action to remedy past human violations.

• **Sri Lanka: Report of the High Commissioner of Human Rights (HCHR) - Video**
  On March 20th Mr. Anandasangaree made a statement welcoming the HCHR report and the call for an international independent investigation of crimes committed during the conflict.

I.2 **UNIVERSAL PERIODIC REVIEWS (UPR)**

**SRI LANKA**

The 2nd UPR of Sri Lanka took place on 1 November 2012 during the 14th Session of the UPR. LRWC representatives Vani Selvarajah and Gary Anandasangaree attended both the pre-session in August and the actual review on 1 November 2012. Pre-sessions to the UPR of each state are organized by an NGO (UPR Info) to facilitate meetings between interested States and civil society organizations (CSOs). At these meetings, representatives of CSOs can lobby state representatives to present questions on human rights issues of concern. At the actual UPR review, only state representatives are allowed to pose questions to the state under review: LRWC representative Vani Selvarajah made an oral presentation at the August pre-session. Gary Anandasangaree and Vani Selvarajah both attended the 1 November UPR as observers. Prior to the UPR review, on 31 October, LRWC co-hosted an information side event for interested parties.

i. **Oral Presentation at the UPR Pre-Session**

• **Sri Lanka: The need to remedy human rights violations against Tamil women**
  On 31 August 2012 Vani Selvarajah made a statement highlighting the need to address human rights violations against Tamil women: violations committed during 3 decades of civil war and the ongoing violations.
ii. Side Event during UPR of Sri Lanka

- Sri Lanka: Rhetoric and Reality, 31 October 2012 in Geneva. Organized by the International Movement against All Forms of Discrimination and Racism (IMADR) and co-sponsored by Amnesty International (AI), ALRC, Franciscans International, HRW and LRWC.

CANADA

LRWC joined the Centre for Law and Democracy, Canadian Journalists for Free Expression, BC Freedom of Information and Privacy Association and PEN Canada to file a joint submission with the OHCHR for the 2nd UPR of Canada (LRWC joint report), which took place in Geneva in April 2013. The joint report identifies significant shortcomings in Canadian law and policy regarding freedom of expression with respect to protection of journalists’ sources, internet access for First Nations’ communities, criminal defamation laws, the right to information, freedom of assembly, and whistleblower protection. LRWC also joined a coalition of NGOs to endorse Empty Words and Double Standards: Canada’s Failure to Respect and Uphold International Human Rights (NGO Coalition report), prepared by Amnesty International Canada. This joint submission by the NGO Coalition addresses two issues: (1) Canada’s failure to adopt effective means of ensuring implementation of its international obligations, and (2) Canada’s recent pattern of asserting that the UN should avoid scrutiny of Canada’s human rights record because other member States present more serious human rights issues. References to the LRWC joint report and the NGO Coalition report (filed 8 October 2012) are included in the OHCHR Summary report (to the joint report (JS4) in paragraphs 54 and 56 and to the NGO Coalition report in paragraphs 14 and 30).

i. Written Submissions for the UPR of Canada

- Empty Words and Double Standards: Canada’s Failure to Respect and Uphold International Human Rights, October 2012, Amnesty International Canada, endorsed by LRWC and 62 other NGOs.

CHINA

LRWC and Lawyers for Lawyers (L4L) filed joint submissions with the OHCHR for the 2nd UPR of China. These joint submissions outline some aspects of China’s absolute failure to allow lawyers to engage in human rights advocacy independently of government control as demonstrated by the ongoing and severe persecution of lawyers engaged in human rights work. Lawyers engaged in advocacy not sanctioned by the government risk arbitrary arrest, torture, disbarment, malicious prosecutions, lengthy sentences as a result of unfair trials and other illegal and injurious treatment. The report focuses on the need to comply with the minimum requirements of the UN Basic Principles on the Role of Lawyers.

i. Written Submission for the UPR of China


MEXICO

LRWC, L4L and the Law Society of England and Wales filed joint submissions with the OHCHR for the 2nd UPR of Mexico scheduled to take place in October 2013. This report details Mexico’s failure to
provide lawyers engaged in human rights advocacy with the protection from attacks on their personal and professional safety and integrity. The report outlines Mexico’s international law duties confirmed by the UN Basic Principles on the Role of Lawyers and systemic failures to provide protective measures to lawyers in danger, investigate violations and prevent arbitrary detentions.

i. **Written Submission for the UPR of Mexico**
   - [Mexico: Joint Submissions to the UN Universal Periodic Review (Second Cycle)](#),

### I.3 UN TREATY MONITORING BODIES

**COMMITTEE AGAINST TORTURE (CAT)**
LRWC and the International Civil Liberties Monitoring Group (ICLMG) made joint written submissions to CAT alleging that treatment of Omar Khadr contravened Canada’s obligations under the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (UNCAT) on 18 April 2012. CAT reviewed Canada’s compliance with UNCAT on 21-22 May 2012 and issued its [Concluding Observations on Canada](#) on 31 May 2012. The CAT recommendation mirrored those in the joint submissions from LRWC and ICLMG. CAT urged Canada “to promptly approve Omar Khadr's transfer application and to ensure that he receives appropriate redress for human rights violations that the Canadian Supreme Court has ruled he experienced.” The Committee also recommended that Canada raise awareness of Convention against Torture (Convention) requirements amongst judges and members of the public.

**HUMAN RIGHTS COMMITTEE (HR Committee)**
LRWC and FIDH/OMCT made joint submissions to the HR Committee alleging that by keeping 36 lawyers and one journalist in pre-trial detention, Turkey was violating legal obligations arising from the [International Covenant on Civil and Political Rights](#) (ICCPR). The joint submissions were prepared by Kim Stanton drawing on the research of Lois Leslie. Other contributors to the report were Ayse Bingol of Savunmaya Özgürlük Platformu - SÖP (Freedom for Lawyers Platform); Alexandra Poméon of FIDH, Marion Caussanel, and Gail Davidson. The HR Committee, in advance concluding observations, recommended that Turkey “reduce the legal period of pre-trial detention in compliance with article 9 of the Covenant, and ensure that it is only used as an exceptional measure. The State party should guarantee the access of detainees to a lawyer, and to an effective and independent mechanism to challenge the lawfulness of their pre-trial detention.” The HR Committee was also critical of Turkey’s use of anti-terrorism laws to criminalize human rights activities and other legitimate exercises of fundamental freedoms.

### I.4 INTERNATIONAL CRIMINAL COURT (ICC)

**11th Session of the Assembly of States Parties Meeting**
Ms Arghavan Gerami attended the 11th Session of the Assembly of State Parties to the Rome Statute (ASP) at The Hague as LRWC’s representative. The relationship between the UN Security Council (UNSC) and the International Criminal Court (ICC) was the subject of discussion at the 14-22 November meeting. Challenges presented by the interface between politically driven referrals from the UNSC and the necessity for the ICC to demonstrate independence and impartiality and the danger
of the ICC being seen as a political tool engaging in unfairly selective prosecutions were discussed with particular reference to prosecutions of African leaders. Participants made a number of suggestions for reform including development of referral and prosecution guidelines, better support from the UNSC and more state involvement in improving the ICC.

II. IN-COUNTRY INVESTIGATIONS and TRIAL MONITORING

Throughout the year, LRWC members conducted and joined in-country investigations focused on enhancing the effectiveness of LRWC work. Both small-scale and large in-country investigations were focused on achieving a variety of goals associated with improved human rights enforcement. Some key goals were: establishing cooperative relationships with groups and individuals within the country; visiting victims and human rights defenders; investigating abuses and possible solutions; monitoring and reporting on trials; meeting with representatives of civil society and government to explore solutions to systemic problems and remedies for victims. Large in-country investigations were also intended to restrain abuses by exposing them to an international audience. One-person in-country investigations were conducted discreetly with no publicity to protect both the LRWC and the people with whom the member is meeting. These investigations have been tremendously useful in improving human rights and rule of law enforcement. Almost all LRWC’s in-country work was conducted on a self-funded basis. Lack of funding for these visits constrained their number, duration and scope.

BURMA
A member of LRWC travelled to Burma from 5 to 10 September 2013 to visit with local and expatriate legal experts, diplomatic personnel and journalists in Yangon and discuss the progress of human rights, legal reforms and legal education in Burma. LRWC’s representative met with some of Burma’s lawyers who had been political prisoners and had been subjected to arbitrary revocation of their licenses to practice law in judicial proceedings conducted privately, without representation and without adherence to relevant legislation.

CAMBODIA
A member of LRWC travelled to Cambodia from 19 to 27 November 2012 to meet with journalists, human rights defenders and lawyers to discuss the situation of human rights defenders and concerns about independence of the judiciary and bar in Cambodia. LRWC’s representative also visited the Extraordinary Chambers in the Kingdom of Cambodia in Phnom Penh during the ongoing trial of former Khmer Rouge leaders Khieu Samphan, Nuon Chea, and Ieng Sary for war crimes, genocide and crimes against humanity. Plans to attend the 26 November 2012 hearing of the appeal of Mr. Born Samnang and Mr. Sok Sam Oeun from their conviction for the murder of union leader Mr. Chea Vichea were changed when the hearing was adjourned to December. The appellants claimed that the murder had never been satisfactorily investigated and that they had been wrongly framed as scapegoats. In December 2008, the Supreme Court had freed the two on bail. On 17 August 2009, LRWC’s representative had been present in the courtroom when the Appeals Court formally ordered the reinvestigation of the case and extended the two men’s bail. More than three years later, on 27 December 2012, the Appeals Court confirmed the convictions and their 20-year sentences despite compelling evidence that the accused were innocent. The men were arrested in the courtroom.
COLOMBIA
THIRD INTERNATIONAL COLOMBIA CARAVANA 26 August – 1 September 2012
Carol Huddart (retired from the British Columbia Court of Appeal) and BC-based lawyer Heather Neun participated in the Third International Caravana of Judges and Lawyers to Colombia on behalf of LRWC. Forty-two delegates (40 lawyers and two judges) from seven countries met with jurists, victims and State officials to investigate attacks on jurists and presented their findings to government authorities. The preliminary findings emphasized that threats and deadly attacks against judges and lawyers continue as do unwarranted prosecutions and ill-founded public accusations of wrongdoing. Government officials continue to tacitly encourage attacks through public announcements derisive of the work of judges and lawyers. A document obtained during the Caravana indicated that between 2002 and 2012 the Prosecutor General’s office recorded over 5,200 instances of attacks on lawyers, ranging from threats to physical attacks and murders. Paramilitary groups continue to operate freely in the country, perpetrating grave attacks on victims which undermine legislative initiatives such as the Victims and Return of Lands statute. Transnational companies are another recurring concern, as their activities frequently violate and thwart enforcement of labour, environmental and indigenous rights and protections. Lawyers who represent people from the most vulnerable sectors – indigenous peoples, trade unionists, victims of forced displacement, extrajudicial killings and disappearances – are themselves made victims. Court ordered State protection is often ineffective, not timely or not implemented at all.

Colombian judges continue to face serious threats and extrajudicial killing. Protection for judges vulnerable to attack is often non-existent, inadequate, or too costly. Too frequently, judges have to bear some or all of their reasonable security expenses. Governmental authorities are prone to making negative statements about the judiciary and its members’ decisions. Colombian President Santos himself has denigrated Colombian judges by both word and action. Orders of the court are often not implemented and not followed by State authorities. The work of Colombian judges is further hampered by heavy backlogs of cases and low salaries.

Judges participating in the Caravana called on the government of Colombia to: (1) ensure adequate protection for the personal and professional safety of judges, (2) ensure that threats against judges are promptly investigated and that the perpetrators are prosecuted, (3) refrain from disciplining judges, except as required by statute and then in a manner consistent with the principles of an independent judiciary, (4) refrain from making derisive comments about the judiciary and its decisions, and (5) follow court orders, dissenting to decisions only via proper appellate court process.

Two reports detailing the third Colombia Caravana findings and recommendations were published in English and Spanish to be launched in May 2013. LRWC representatives Carol Huddart and Heather Neun both made significant contributions to the two reports: Colombia: Protecting Access to Justice, Report of the Third International Caravana to Colombia and, Colombia: Report of Judge Delegates of the Colombia Caravana. Heather Neun was a member of the editorial board for the Protecting Access to Justice report.

LRWC follow-up included partnering with Lawyers Without Borders Canada (LWBC) to prepare joint submission amicus curiae submissions for consideration by the Inter-American Commission on Human Rights (IACHR) in the matter of Members of José Alvéar Restrepo Lawyers’ Collective v. Colombia, Case No. 12.380. This case is based on allegations that Colombia has failed to prevent and punish serious attacks against members of the José Alvéar Restrepo Lawyers’ Collective (Corporación Colectivo de Abogados José Alvéar Restrepo - CCAJAR), carried out since 1990. Because Colombia was unable to
justify its failure to identify any suspected perpetrators of the attacks on lawyers or measures taken to investigate and establish the facts, the IACHR waived the requirement to exhaust domestic remedies. The joint amicus brief examines State duties to prevent and punish acts that threaten the safety of lawyers and impair their ability to provide legal representation. Research and writing of the amicus was done by Heather Neun from LRWC and Vida Amirmokri and Geneviève Binette from LWBC.

THAILAND
A member of LRWC visited Thailand in August 2012 and attended a portion of the trial of labour activists, Ms Jitra Kotchadej, Ms Boonrod Paiwong, and Mr Soonthorn Boonyord on 23-24 August 2012 at the Criminal Court in Bangkok. The three activists were charged in January 2011 under Criminal Code of Thailand for organizing and leading a protest in front of Government House and the Parliament in Bangkok on 27 August 2009. Participants in the peaceful protest were calling for solutions for workers dismissed without compensation by a Thai subsidiary of Triumph International factories. The labour leaders were free on bail and if convicted faced possible jail terms and/or fines. Police witnesses testified that the demonstration had been entirely peaceful but had slowed, not stopped, the flow of traffic for several hours. Police testified that they had used a Long Range Acoustic Device (LRAD) to disperse the demonstration. Such devices can cause temporary deafness and permanent hearing loss. People who had been present as observers of the demonstration advised LRWC's representative that they had suffered pain and temporary hearing loss as a result of the LRAD. Several other trial observers were present from international human rights organizations and the European Union’s diplomatic mission to Thailand. The trial began 23 August 2012 and continued 24, 28-30 August. The hearing of defence witnesses was adjourned until May 2013. See more information on this case at Front Line Defenders.

LRWC’s representative also visited several human rights workers and diplomatic officials to discuss the case of imprisoned human rights defender Mr. Somyot Prueksakakasemsuk, a magazine editor and human rights defender charged with lèse majesté under Section 112 of Criminal Code of Thailand for publishing two articles written by an unnamed author and deemed to be critical of a member of Thailand’s royal family. Mr. Somyot had been seeking a review of Thailand’s lèse majesté law and has been classified as a human rights defender by numerous human rights organizations and the UN Working Group on Arbitrary Detention (UNWGAD). The Court denied numerous bail requests, resulting in Mr. Somyot’s being kept in pre-trial detention for 20 months. The UNWGAD (A/HRC/WGAD/2012/35, 13 November 2013) found Mr. Somyot’s pre-trial detention to be in contravention of international human rights. Despite considerable international advocacy, on 24 January 2013 Mr. Somyot was convicted and sentenced to 11 years imprisonment. The case is under appeal, and Mr. Somyot remains in prison.

TURKEY
In November and December 2011, 46 lawyers, three law office employees and one journalist were arrested in Turkey and charged with offences related to their participation in the defense of Abdullah Öcalan, the jailed leader of the Kurdistan Workers' Party (PKK). They were also accused of maintaining ties with the Kurdistan Communities Union (KCK), an organization considered by government officials to be part of the banned PKK. The charges are viewed as politically motivated. Many aspects of the prosecution have precluded defenses: the 890-page indictment; delay; failure to arrange required trial dates and venues large enough to accommodate the accused and their lawyers. Refusal to allow use of the Kurdish language in court delayed proceedings during 2012. Court dates were set—often for one day—and then adjourned for 2-4 months. During this reporting period, court proceedings were held in 2012 on 16 July 2012 and 6 November and in 2013 on 3 January and 21 March. LRWC’s Amsterdam-based partner Lawyers for Lawyers (L4L) attended all these court dates and monitored proceedings on behalf of
LRWC. LRWC support included taking the lead to provide legal research and writing and supporting the work of other NGOs by writing letters and endorsing joint public statements. LRWC work included the following: statements on 13 July and 22 July criticizing the illegality of the proceedings and calling for fair trials; a report entitled, *Arrest and Detention of Lawyers in Turkey - Right to Pre-Trial Release at International Law, 2nd Edition*, sent to defense counsel and to Turkish and UN authorities in advance of the first trial date; a joint submission to the UN Human Rights Committee (HR Committee) outlining Turkey’s violation of the *International Covenant on Civil and Political Rights* obligation to ensure pre-trial release, sent in advance of the second trial date; a 6 November 2012 statement criticizing the pre-trial detention as arbitrary and the trial process as unfair. The work of LRWC and other NGOs has been effective. Prior to July 2012, 37 of the accused were still in pre-trial detention. During the reporting year, 14 lawyers were released: 9 in July; 1 in January; and 4 in March. Informed by the LRWC/FIDH submissions, the HR Committee reviewed Turkey’s compliance with the *International Covenant on Civil and Political Rights* on 30 October 2012 and recommended that Turkey “reduce the legal period of pre-trial detention in compliance with Article 9 of the Covenant, and ensure that it is only used as an exceptional measure.” The HR Committee also criticized the use of anti-terrorism laws to criminalize the activities of lawyers and other human rights defenders and recommended guaranteed access to an effective review of pre-trial detention. International support may have been a contributing factor to Parliament’s approving a bill, on 24 January 2013, that allows accused persons to request translation of court proceedings to Kurdish.

III. LETTERS FOR LAWYERS

LRWC members wrote over 50 letters in support of more than 200 advocates in 21 countries. Letters are a first response to critical situations and, when the problem persists, often inspire collaboration with other NGOs, further research and wider campaigns. This year, as part of follow-up on letters, LRWC issued six joint press releases in collaboration with more than 40 NGOs; made two formal complaints to UN Special Rapporteurs; provided three reports to the Office of the High Commissioner of Human Rights for the Universal Periodic Reviews of Canada, China, and Mexico; filed three ‘shadow’ reports with UN treaty monitoring bodies; embarked on legal research; and participated in trial monitoring and in-country investigations. Many successes resulted from letters and the wider campaigns that followed: lawyers and other human rights defenders were released from prison; repressive legislation was stalled; illegitimate charges were withdrawn; wrongly disbarred lawyers were reinstated; and protection from threats of harm was provided.

Letters addressed attacks on human rights defenders and rule of law issues in Bahrain, Bangladesh, Burma, Cambodia, Cameroon, Canada, China, Colombia, Costa Rica, Haiti, Honduras, Indonesia, Iran, Pakistan, Russia, Singapore, Sudan, Thailand, Turkey, Vietnam and Zimbabwe. Lawyers most vulnerable to attack were those representing unpopular causes or clients (Cameroon, Iran, Pakistan), acting for clients in cases likely to expose government to criticism (Colombia, China, Burma, Indonesia, Haiti, Vietnam, Cambodia, Thailand) or calling for adherence to international human rights or rule of law standards (Vietnam, Iran, Bahrain). Human rights defenders particularly vulnerable to attacks were those advocating for community land rights and opposing commercial activity (Cambodia, China, Costa Rica, Honduras) and promoting democracy (Bahrain, Iran, Vietnam). Letters were also sent in response to laws repressing some aspect of advocacy rights (Russia, Bangladesh, Singapore).
Many of the successes resulting from the combined work of LRWC and others are easy to identify: 14 lawyers released from jail in Turkey; sentences reduced for 14 wrongfully convicted people in Cambodia; eleven unfairly disbarred lawyers reinstated in Burma; a lawyer released in China; civil and criminal defamations suits dismissed with costs in Costa Rica; protective measures for lawyers threatened with death in Cameroon; Judge Garzón acquitted of malfeasance in Spain; Omar Khadr repatriated in Canada; the Canadian Prime Minister met with First Nations leaders; a repressive NGO law stalled and still under review in Bangladesh.

IV. INTERNATIONAL HUMAN RIGHTS LAW EDUCATION

Education and legal research are central to all LRWC work. This year, LRWC, in collaboration with others, hosted and contributed to educational events in Vancouver, Victoria, Toronto and Geneva. Webcasts and podcasts of many of these events, along with accompanying print and PowerPoint materials, were made available globally through online posting. LRWC partnered with Amnesty International Canada (AI/C) and the Hul’qumi’num Treaty Group (HTG) to host a unique series of public talks by celebrated First Nations scholars on “First Nations’ Rights: The Gap between Law and Practice.” Geneva events, held during a session of the UN Human Rights Council or one of its bodies, brought together representatives of States, NGOs and the UN to learn about and discuss human rights issues of global concern. The side events co-hosted in Geneva by LRWC this past year examined the global crisis of impunity for criminal violations of internationally protected rights. LRWC also provided speakers for events organized by others: Gladue Growing Pains: Racist Sentencing Discounts or Emancipation from Racist Sentencing? on 20 March 2013 at the University of British Columbia (UBC); Omar Khadr Dialogue on 27 June 2012 at UBC; The Indian Act in Historical Context on 9 July 2012 and Omar Khadr, Oh Canada on 19 September 2012 both in Vancouver. Videotaping and editing was provided by David Maidman, Gregor Jahn, Damien Gillis and Fiona Rayher.

INTERNATIONAL HUMAN RIGHTS LAW EDUCATION

- Remember the Children: What a landmark human rights case reveals about discrimination and justice in Canada on 24 April 2012 in Vancouver with Dr. Cindy Blackstock. Co-hosted by LRWC, AI/C and HTG. A video of this talk is available on LRWC’s website.

- Cooperation or Conquest: Coast Salish Legal Traditions and the Canadian State on 7 May 2012 in Vancouver with Sarah Morales. Co-hosted by LRWC, AI/C and HTG. A video of this talk is available on LRWC’s website.

• Indigenous Rights in the UN System on 13 September 2012 at the University of Victoria (UVic) with a presentation by Robert Morales and a video presentation by Kenneth Deer. Co-hosts were LRWC, AI/C, HTG and the UVic Faculty of Law and Social Justice Studies programme.

• Human Rights in the Philippines: Can the UPR Make a Difference on the Ground? This side event on 29 September 2012 in Geneva was co-hosted by LRWC and organized by ALRC, Civicus and Karapatan and featured an examination of the ALRC report The Philippines’ Hollow Human Rights System and judicial independence in the Philippines.

• Sri Lanka: Rhetoric and Reality on 31 October 2012 in Geneva highlighted the urgent need for action to remedy serious human rights violations carried out during the conflict and to stop ongoing violations. Organized by the International Movement against All Forms of Discrimination and Racism (IMADR) and co-sponsored by Amnesty International (AI), ALRC, Franciscans International, HRW and LRWC.

• Day of Dissent: Rights under Attack on 7 December 2012 at Simon Fraser, Harbour Centre in Vancouver. Pearl Eliadis was the keynote speaker; presentations on various aspects of rights under attack were also made by lawyers Leo McGrady, Q.C., Cameron Ward, Jason Gratl, Matt Eisenbrandt and Gwen Brodsky and activists Phil Lane, Fiona Koza and Reuben George. The event was co-hosted by LRWC, AI/C, the BC Civil Liberties Association and the Simon Fraser University Continuing Studies New Media Journalism programme. A video and a written version of Pearl Eliadis’ presentation are available on LRWC’s website.

• Debunking the Doctrine of Discovery on 28 January 2013 in Vancouver with Robert Morales. This event was co-hosted by LRWC, AI/C and HTG. A video of this talk and the accompanying PowerPoint is available on LRWC’s website.

• The Challenge of Implementing International Human Rights in Sri Lanka, 14th and 15th February 2013 at Osgoode Hall Law School and the Law Society of Upper Canada (LSUC) in Toronto. Speakers at both events were Paikiasothy Saravanamuttu and Dr. Steven Ratner with moderator Sharryn Aiken. The first event was co-hosted by the Nathanson Centre on Transnational Human Rights, Crime, and Security, AI/C and LRWC, and the second was co-hosted by the LSUC, AI/C and LRWC.

• Indigenous Law as a Solution to Resource Conflict in Treaty 8, 28 February 2013 in Vancouver and at the University of British Columbia Faculty of Law (UBC) with Caleb Behn. The two events were co-hosted by LRWC, AI/C, HTG and the Indigenous Law Students Association of UBC. A video and a podcast of this talk are available on LRWC’s website.

Videos and Online Resources

Videos


o Cooperation or Conquest: Coast Salish Legal Traditions and the Canadian State on 7 May 2012.
Day of Dissent: Rights under Attack on 7 December 2012.

Debunking the Doctrine of Discovery on 28 January 2013.


PowerPoint Slides

Day of Dissent: Rights under Attack on 7 December 2012.

Debunking the Doctrine of Discovery on 28 January 2013.

Podcasts


V. LEGAL RESEARCH

Legal research and analyses are primary means of contributing to better recognition and enforcement of international human rights laws and rule of law principles globally. LRWC legal research identifies the substance and scope of international human rights law, domestic legal obligations, enforcement mechanisms and remedies for violations. LRWC legal research informs oral interventions and written communications including letters, public statements, handbooks, reports, complaints and amicus briefs. The legal analyses produced by LRWC promote enhanced recognition and enforcement of international human rights by informing recipients: treaty monitoring bodies, state authorities, educators, international human rights bodies within the UN and the OAS systems, NGOs and individual human rights defenders. Each year, LRWC’s legal research focuses on human rights issues identified as critical either in particular countries or globally. Country specific legal research sometimes inspires legal research pertaining to issues of concern globally. This occurred with pretrial rights, which began with an analysis of those rights in Turkey and expanded to a handbook on pretrial rights around the world.

This year LRWC research—often produced in cooperation with other NGOs—resulted in three handbooks on internationally protected rights (pretrial release and State obligations to provide international human rights education and training); three shadow reports to UN treaty monitoring bodies: two formal complaints to UN Special Rapporteurs; an amicus brief to the Inter-American Commission on Human Rights; three reports to the Office of the High Commissioner of Human Rights for the Universal Periodic Review process; and six oral interventions at sessions of the UN Human Rights Council. LRWC also profiled, at education events and through online posting, research by others on issues of local or global concern. The list of the publications is below.

LRWC PUBLICATIONS:

- Joint Report to the Committee against Torture on the Omar Khadr Case | Canada - Gail Davidson and Gavin Magrath, April 28, 2012. This report was submitted to the United Nations Committee against Torture by LRWC and the International Civil Liberties Monitoring Group.
• **The Right to Know Our Rights: International law obligations to ensure international human rights education and training** - Catherine Morris and Gail Davidson, May 17, 2012. Produced with support from the Law Foundation of British Columbia.


• **Joint brief to the Human Rights Committee, 106th Session, on pre-trial release rights in Turkey** - Kim Stanton. The report was submitted by LRWC and the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT) to the UN Human Rights Committee on September 21, 2012.

• **Submission to the 16th Session of the Universal Periodic Review on the State of Freedom of Expression in Canada** - October 10, 2012, submitted by the Centre for Law and Democracy, LRWC, BC Freedom of Information and Privacy Association, Canadian Journalists for Free Expression and PEN Canada.


• **Submissions to the Universal Periodic Review of Mexico – 2nd Cycle | Reports** - March 6, 2013, by Lawyers for Lawyers, LRWC, the Law Society of England and Wales.

• **Submissions to the Universal Periodic Review of the People’s Republic of China | Reports** - March 6, 2013, submitted by Lawyers for Lawyers and LRWC.

• **Pre-Trial Release and the Right to be Presumed Innocent: A handbook on international law rights to pre-trial release** - Lois Leslie, B.Soc. Sc. (Hons), LL.B, LL.M, March 25, 2013. This handbook identifies international law provisions protecting rights associated with pre-trial release and explains the interpretation of those rights by international tribunals, monitoring bodies and experts.

• **Letter of Allegation to the UN Special Rapporteurs on the arbitrary detention of Le Quoc Quan | Vietnam** - March 13, 2013, submitted to UN Special Rapporteurs on the Promotion and Protection of the Right to Freedom of Opinion and Expression; the Rights to Freedom of Peaceful Assembly and of Association; the Independence of Judges and Lawyers; and the Situation of Human Rights Defenders by the Media Legal Defence Initiative on behalf of LRWC; Lawyers for Lawyers; Access Now; Media Defence – Southeast Asia; Electronic Frontier Foundation; Reporters Without Borders; Frontline Defenders; English PEN; Avocats Sans Frontières; Observatory for the Protection of Human Rights Defenders (FIDH-OMCT), Network Index on Censorship; and Article 19.

• **Petition to the UN Working Group on Arbitrary Detention in the Le Quoc Quan case | Vietnam** - March 13, 2013, submitted to the WGAD by the NGO Group.
Other Publications

- Guide to the Law of Protests in British Columbia: ‘Cedar as Sister’: Indigenous Law and the Common Law of Protest - Leo McGrady Q.C., February 2013. This guide touches on the history of protest and civil disobedience as an integral part of democracy and explains Canadian law regarding rights and restrictions. Leo McGrady presented a pre-publication outline of this guidebook at the 7 December 2012 Day of Dissent event.


- Advocacy and Dissent in Canada: State of the Union, Pearl Eliadis, December 2012. These are the speaking notes that accompanied Pearl Eliadis’ 7 December 2012 presentation at the Day of Dissent event.

- Debunking the Doctrine of Discovery, Robert Morales, January 2012. This is the PowerPoint that accompanied Robert Morales’ 24 January 2013 presentation on Debunking the Doctrine of Discovery.

- The Campaign to Erode Aboriginal and Treaty Rights, 29 January 2013. This open letter to the Department of Justice of Canada was endorsed by 19 NGOs, including LRWC and over 50 academics and lawyers.

Press Releases


- Joint Press Release: 18 rights and lawyers’ groups express concern to the UN as a trial against 46 lawyers under terrorism charges is due to open on July 16 | Turkey – July 13, 2013. Prepared by 18 NGOs including LRWC.


Work with Other NGOs

LRWC increased collaboration with other groups around the world to produce many joint letters, statements and press releases, an amicus curiae brief to the Inter-American Commission on Human Rights, legal research, oral interventions to the UN HR Council, two briefings to UN Treaty Monitoring
Bodies, three reports to the OHCHR for the UPR process, one complaint to the UN Working Group on Arbitrary Detention, three UN side events, free public talks on international human rights, a series of public talks on First Nations’ rights, as well as to participate in country and trial monitoring. An ‘A to Z’ list of some—but not all—of the organizations LRWC worked with this year is below. Some examples of NGOs not on the list: the 25 NGOs endorsing the newspaper advertisement published in Turkey to mark the 500th day that Turkish lawyers had been arbitrarily detained; the 18 NGOs endorsing The Campaign to Erode Aboriginal and Treaty Rights; all the NGOs participating in the Colombia Caravana 2012; groups endorsing the “Empty Words: Double Standards” statement to the OHCHR for the UPR of Canada or all the many student, indigenous and human rights groups who participated in LRWC-hosted educational events. Collaboration with other groups enhances the efficacy of LRWC education and advocacy and the scope of LRWC research.

- Access Now
- Amnesty International Canada
- Amnesty International
- Article 19
- Asian Legal Resource Centre (ALRC),
- Avocats Sans Frontières Network
- BC CEDAW group
- BC Freedom of Information and Privacy Association (BCFIPA),
- CAIR-CAN
- Canadian Association of University Teachers
- Canadian Centre for International Justice
- Communications, Energy and Paperworkers Union of Canada, Council of Canadians
- Canadian Journalists for Free Expression
- Ceartas Irish Lawyers for Human Rights
- Centre for Law and Democracy
- Clean Clothes Campaign
- CIVICUS
- Colombia Caravana UK
- Corporación Colectivo de Abogados José Alvear Restrepo
- Council of Canadians
- Electronic Frontier Foundation
- English PEN
- European Democratic Lawyers
- Fair Trial Watch
- Franciscans International,
- Freedom for Lawyers Platform
- Friends of Service Committee (Quakers)
- HIVOS
- Frontline Defenders
- Hul’qumi’num Treaty Group
- Human Rights Watch
- IFEX/Canada
- Impunity Watch,
- Index on Censorship
- Indigenous Law Students’ Association, UBC
- Inter Pares
- International Civil Liberties Monitoring Group
- International Federation of Journalists Asia Pacific
- International Movement Against All Forms of Discrimination and Racism (IMADR)
- International Service for Human Rights
- Karapatan
- Law Society of England and Wales
- Law Society of Upper Canada
- Lutheran World Federation
- Lawyers for Lawyers
- Lawyers Without Borders Canada
- Media Defence – Southeast Asia
- Media Legal Defence Initiative
- Nathanson Centre on Transnational Human Rights, Crime & Society
- Network Index on Censorship
- Observatory for the Protection of Human Rights Defenders (FIDH-OMCT)
- Oxfam Canada
- PEN Canada
- Protection International
- Reporters Without Borders
- Savunmaya Özgürlük Platformu
Constitutions

Lawyers’ Rights Watch Canada
- To provide support internationally to lawyers whose rights, freedoms, or independence are threatened as a result of their human rights advocacy
- To promote and protect lawyers' right to engage in independent advocacy
- To preserve and enhance the rule of law
- To encourage governments and other institutions to respect fair trial rights including the rights of lawyer to engage in independent advocacy
- To encourage ratification and implementation of international human rights treaties that impact on legal advocacy rights and the integrity of legal systems
- To encourage constitutional and legislative amendments necessary for conformity with international human rights standards relevant to the independence of lawyers and judges, the integrity of the legal systems and fair trial rights
- To provide research and public legal analyses with respect to the above
- To complement the support to lawyers from other human rights organizations

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

LRWC Directors

Directors of LRWC and LRW(LR)C are elected each year at the Annual General meeting held in April. All directors serve from their election until the next election. The following list comprises the Directors of LRWC and LRW(LR)C during the year ending 31 March 2013:

**LRWC**
- Paul D. Copeland, Law Society of Upper Canada
- Gail Davidson, Law Society of BC
- Clive Ansley, Law Society of BC
- Heather D. Neun, Law Society of BC
- Lisa Barrett
- Grace Woo, Law Society of BC

**LRW(LR)C**
- Jane Henderson, Q.C., Law Society of BC
- Catherine Morris, Law Society of BC
- Renee Racette, Law Society of BC
- Paul Schabas, Law Society of Upper Canada
- Margaret Stanier, Law Society of BC
- David F. Sutherland, Law Society of BC
LRWC Donors, Contributors and Volunteers

LRWC has no paid staff other than students who work part-time for a modest hourly rate. All LRWC work is done pro bono by volunteers. LRWC funds come from members’ fees and donations and from the other sources listed below. Total expenditures for the year were under $30,000. The value—in dollars and successful outcomes—of the volunteer work done by LRWC members and others cannot readily be measured. This section acknowledges and thanks some of those—LRWC members and others—who contributed money, time and expertise to the successful enhancement of international human rights worldwide.

Monthly Donors
- Clive Ansley
- Mark Battersby
- Gail Davidson
- Diana Davidson
- Richard Gibbs, Q.C.
- Hugh Gwillim
- Jane Henderson, Q.C.
- Zoe Jackson
- Benjamin Low-Beer
- Catherine Morris
- Monique Pongracic-Speier
- Matthew Stacey
- Isabel Stramwasser
- Margaret Stanier
- David F. Sutherland
- Bill Holmes
- Anthony Des Lauriers
- Carol M. Huddart
- Imamura
- Darlene Kavka
- Illahie Foundation
- Law Foundation of BC
- Claire L'Heureux-Dube
- Jolanta Malicki
- Leo McGrady Q.C.
- Joseph Murphy
- Lynda Neetz
- Public Service Alliance of Canada Social Justice Fund
- Quakers
- Amy E. Reier
- Linda J Sadownichik
- Brian Samuels
- Paul Schabas
- Maureen Webb

Other Donors
- Kyong Ae-kim
- William Andrews
- Gary Anandasangaree
- Paul Calarco
- Morris Chochla
- Arthur Clark
- Meghan Clarke
- John Cotter
- Donald Crane
- J. Douglas Crawford
- CUPE local 1004
- Sasha Darling
- Patsy George
- Stan Guenther
- Joe Hoffer
- Public Service Alliance of Canada Social Justice Fund
- Quakers
- Amy E. Reier
- Linda J Sadownichik
- Brian Samuels
- Paul Schabas
- Maureen Webb

Donors of Time & Money for LRWC Travel
- Gary Anandasangaree
- Marion Caussanel
- Gail Davidson
- Arghavan Germani
- Carol Huddart
- Catherine Morris
- Heather Neun
- Vanitha Selvarajah

Donors of Time & Money for LRWC Travel
Pro Bono Work

Letter Writing
- Siobhan Airey
- Clive Ansley
- Thomas Brown
- Marion Caussanel
- Paul Copeland
- Charles R. Davidson
- Gail Davidson
- Arghavan Germani
- Andrew Guaglio
- Hugh Gwillim
- Joseph Hoffer
- Carol Huddart
- Kumail Karimjee
- Darlene Kavka
- Vicheka Lay
- Gavin Magrath
- Naveen Mehta
- Catherine Morris
- Heather Neun
- Amy Reier
- Grace Woo

Legal Research & Writing
- Gary Anandasangaree
- Connor Bildfell
- Marion Caussanel
- Gail Davidson
- Gavin Magrath
- Lois Leslie
- Catherine Morris
- Heather D. Neun
- Vani Selvarajah
- Margaret (Peggy) Stanier
- Kim Stanton
- Grace Woo

Education Events
- Sharryn Aiken
- Gary Anandasangaree
- Caleb Behn
- Cindy Blackstock
- Rosanne Daniels
- Gail Davidson
- Jason Gratl
- Pablo de Greiff
- Leo McGrady Q.C.
- Robert Morales
- Sarah Morales
- Catherine Morris
- Renee Racette
- Dr. Steven Ratner
- Paikiasothy Saravanamuttu
- Vani Selvarajah
- Cameron Ward
- Grace Woo

Website
- Andrew Guaglio
- Connor Bildfell

Video/Editing
- Damien Gillis and Fiona Rayher
- Gregor Jahn of Vancouver Media Co-op
- David Maidman

Computer Systems
- Stephen Schramm of Strategic Network Systems Inc.

CONTACT US:
Lawyers’ Rights Watch Canada
Telephone: +1-604-738-0338; Fax: +1-604-736-1175
Email: lrwc@portal.ca; Website: http://www.lrwc.org