

**Annual General Meeting 2020
Lawyers Rights Watch Canada
-and-
Lawyers Rights Watch (Legal Research) Canada**

Date: Friday 8 May 2020

Time: 2:00 pm to 4:00 pm (PDT)

Place: Online (Zoom)

Present: Clive Ansley, Lisa Barrett, Temisan Boyo, Gail Davidson, Joseph (Joey) Doyle, Sebastian Ennis, Brian Gorlick, Joshua Lam, Rob Lapper Q.C., Helen Lau, Gavin McGrath (Chair of LRW(LR)C), Robert Morales, Catherine Morris, Heather Neun, Tina Parbhakar, Jenny Reid, Erin Riley, Brian Samuels Q.C., Paul Scambler Q.C., Donald Sorochan Q.C., Margaret (Peggy) Stanier, David Sutherland Q.C. (Chair of LRWC), Melissa Tessler, Maureen Webb, Grace Woo.

Draft MINUTES
(revised 1 June 2020)

1. David Sutherland Q.C. chaired the meeting.

2. **Approval of agenda**

Motion to approve the agenda as amended:

Moved by G. Magrath, seconded by J. Lam and carried

3. **Receipt and approval of the minutes of the 10 May 2019 Annual General Meeting**

Motion to accept Minutes of the AGM 2019 as circulated prior to the AGM:

Moved by G. Davidson, seconded by M. Stanier and carried

4. **Receipt and approval of the Financial Statements for LRWC and LRW(Legal Research)C for the period ending 31 December 2019**

Motion to receive and approve statements. There was no discussion or opposition. Motion passed.

5. **Nomination and Election of Directors for LRW(LR)C for the 2020/2021 year**

Nominations: Joey Doyle, Rob Lapper Q.C., Gavin Magrath, Robert Morales, Renée Mulligan, Harini Sivalingam, Margaret (Peggy) Stanier, Melissa Tessler, Grace Woo.

Motion to nominate and elect Directors for LRW(LR)C for 2020/21 year. Moved by G. Davidson, seconded by D. Sutherland and carried

6. **Motion to nominate and elect Directors for LRWC for 2020/2021 year**

Nominations: Clive Ansley, Marjorie Cohn Gail Davidson, Joshua Lam. Leo McGrady Q.C., Heather Neun, Brian Samuels Q.C., David F. Sutherland Q.C., Maureen Webb.

Motion to nominate and elect Directors for LRWC for 2020/21 year. Moved by G. Magrath, seconded by G. Woo and carried

7. Motion re: appointment of a public accountant under the Not for Profit Corporations Act

Whereas the annual income of each of LRWC and LRW(LR) is less than \$50,000 **Be it resolved that** LRWC and LRW(LR)C each waive appointment of a public accountant for the year ending 31 December 2020. Moved by G. Magrath, seconded by J. Lam and carried.

8. Overview of 2019 LRWC work by Gail Davidson

G. Davidson: It was a grim year for democracies, the rule of law, and for people engaged in human rights advocacy, defence of land rights, water rights and climate change. Governments moved more away from rights-based democracies and towards one-party totalitarian oppression. Civil society groups and NGO roles became even more important with the clamouring for totalitarian control. LRWC work is done by volunteers. It continued to be effective, and increasingly so with respect to LRWC's mandate to cooperate with hundreds of other groups. Catherine Morris will be assuming the role of Executive Director on 1 June 2020. This past year, LRWC did more than 60 letters in 23 countries. LRWC was active with UN bodies in 2019, with 4 written and 18 oral statements, a joint submission to the Human Rights Committee on Vietnam, and the UPR on Turkey. LRWC made submissions to the Working Group on Arbitrary Detention (WGAD) and the Working Group on Enforced and Involuntary Disappearances (WGEID). LRWC also did considerable advocacy on Hong Kong Carrie Lam responded to one letter. The Annual Report, posted online, has a list of positive results for 2019.

9. Introduction of Catherine Morris as the incoming Executive Director (ED)

G. Davidson: The Boards of Directors appointed Catherine as Executive Director on 1 June 2020. The boards had appointed her as Deputy Executive Director at the last meeting. Gail welcomed Catherine's appointment. Catherine is an adjunct professor at University of Victoria Faculty of Law. She has a Masters in Law (with focus on international human rights) and is a past Executive Director of the UVic Institute for Dispute Resolution. She has been a very active member of LRWC. She monitors several countries and is the director of UN participation. Gail Davidson will help with the research arm of LRWC after a three-month sabbatical.

10. South Sudan – A presentation by Temison Boyo

T. Boyo: Temison Boyo gave a summary of the situation in South Sudan in the past year. The focus of LRWC work has been on the 2017 kidnapping and murder of two men: lawyer Dong Samuel Luak and Aggrey Ezbon Idri, a member of the political opposition. They sought refuge in Kenya, but South Sudanese security forces went into Kenya, brought them back to South Sudan, and probably executed them on the grounds of a Presidential property. LRWC sent several letters, as it was not known what had happened to them. Then a UN report in 2019 confirmed that these men were (probably) executed and the South Sudanese government was involved. Two NGOs filed a case against South Sudan and Kenya at the East African Court of Justice (EACJ), looking for accountability and transparency. Also

the US issued sanctions against 5 individuals they say were responsible. So far, there has been no action by the South Sudanese government to investigate what happened or to bring those involved to justice.

Temisan drafted statements delivered at the last 2 sessions of the UNHRC, focusing on the two men and requesting [sentence incomplete]. The last LRWC statement requested renewal of the mandate of the UN Human Rights Council's Commission on Human Rights in South Sudan.

C. Morris: Said that Temison's statement urged renewal of the mandate and thanked Temison for her presentation.

11. Discussion of international human rights and COVID-19 responses

There was discussion of concerns regarding COVID-19 responses around the world. LRWC was concerned early on about the impact of the COVID-19 pandemic on human rights in Canada and globally, including the emergency measures being taken. People from different groups were in isolation and began to reach out to each other. On 31 March 2020 LRWC convened a Zoom meeting with 15 other HR organizations and human rights academics. They reviewed overall concerns and discussed how to collaborate. The group is now operating as an informal network, exchanging information. At the time of the meeting, Amnesty International was already working on a draft statement about COVID. As a result of this successful LRWC effort for collaboration and networking, other organizations and wording was added to the statement. The final version had 301 signatories, more than 150 organizations plus academics and other individuals.

Human rights organizations and monitoring bodies have been acting on these issues, emphasizing that human rights needs to be at the centre of any actions taken. Whether or not as a result of advocacy, some governments have pulled away from non-human rights-based responses.

The COVID-19 crisis has brought to light the right to health for detained defenders and their lack of access to justice. This has helped organizations focus on the indivisibility of rights – economic, social, cultural, civil, Indigenous – they are all interconnected and indivisible.

Recent events in Turkey were noted. Turkey has been hard hit by COVID-19, particularly in the prisons. The government enacted a law to grant amnesty, but excluded people who were incarcerated on terrorism-related offences with which most human rights defenders are charged. LRWC sent a letter to bring attention to the situation. It was noted that the same thing is happening in other countries; prison amnesties often exclude defenders; Iran is another example.

It was noted that Canada has problems related to COVID-19 responses regarding [incomplete sentence]. There is activity in some courts, but after the 18 March 2020 lock-down, almost nothing has been happening by way of judicial decisions. By edict, there have been blanket adjournments, and no judicial activity. This is not true for the Provincial Courts and the Court of Appeal, but it is for the other courts. It was reported that Canadian lawyers associations are active on this issue because of the number of prisoners on remand and the parole boards shutting down. There is a move across Canada to decarcerate. On the issue of bail, people are also being released, but it depends on where you live. In Newfoundland, COVID-19 is not a valid reason to provide pre-trial release; in Ontario the bench has stepped up to address the problem. In BC, judges are willing to try to do things online, but only in cases that can be shortened and filings are reduced to 10 pages. Ontario province passed legislation for all

superintendents of jails to release people. However, Ontario's emergency measures have enabled authorities to stop people, search cell phones, take them to a port of entry. There is no place for people to get help as courts are shut down. This is denial of justice in a serious way. Judges in BC recently pushed back against the provincial government because the judges have been asking to go online but did not get funding. The BC Attorney General is setting up two committees to look at the situation.

The Law Society of BC scheduled a meeting in mid-May to get input from the bar. Hope was expressed that courts may move ahead as a result of all this despite a period of time of challenges. Even before the COVID-19 crisis, every day there were 15 to 20 people going to court scheduling that couldn't get on the list. Now, they're limited to a 10-page submission; one cannot get anything of substance done that way. The situation can improve if people take this experience and turn it into reform

Before the onset of the COVID-19 crisis, Gail Davidson and Heather Neun wrote a significant legal brief on the situation of the Wet'suwet'un. There was uptake from other NGOs. Since the COVID-19 situation started to loom, there has been significant concern about provincial government permission for construction on the pipeline in Wet'suwet'en territory to continue as essential services under the Emergency Response Act, with discriminatory effect on First Nations. One of the challenges for LRWC is that despite much need for action, LRWC is not a general human rights organization and not a general human rights organization; its mandate is limited to addressing concerns on the rule of law, access to justice and protection of human rights defenders. The legal brief on the Wet'suwet'en is being submitted for potential publication in *The Advocate*, and arguments are being used in court, e.g. on a journalist contempt case relating to "John Doe" injunctions that are far too broad.

It was also noted that there is increased surveillance by States following the public health effort. Based on what is happening in other jurisdictions, there is potential to create near-totalitarian States. It was noted that LRWC can monitor these issues through its networks, e.g. through the Centre for Law and Democracy. However, it was noted that like anti-terrorism, the pandemic provides excuses for the development of pervasive technology. As people move to virtual offices, webcams can be focused on them for employer supervision. It's another step towards a surveillance society, which has a real impact on human rights. The situation in Russia was also noted, where doctors have been speaking out on the COVID-19 crisis and six or seven have died. Russian authorities have been targeting minorities as well, pulling people aside and putting them on buses. Even in Canada, people are being targeted for investigation by police, with marginalized populations subjected to scrutiny.

The situation of Sweden was noted by one person attending the meeting. Sweden is the 'land of no lock-down,' which is what the public health authority advises. People have relative freedom of movement. The public health authority says there is no reason for lock-down, so the country is becoming both famous and infamous. Looking at the numbers, there has been a lively debate as to whether this was a good idea. Per capita, Sweden has a high number of deaths and Swedish authorities are defending the numbers. The courts are open. The service industry jobs and tourism are still operating, but not vibrant. By contrast, the economy, the prime reason government was eager to follow health authorities' advice, is not hard hit; it is ticking along. It is not hard to maintain physical distance in Sweden. Many people live alone. Like Canada, it is quite spacious, and 65% have access to a "free-time" house (cottage). Many people are working from home. However, on the issue of surveillance states, Sweden has broad powers for national security, including measures that would be challenging in other places, such as seizure powers of police security forces.

Another member pointed out that working virtually leaves people exposed on an app like Zoom to any state security force. This is concerning if doing virtual meetings. If working with dissidents, any documents or comments like this are open to surveillance by any intelligence agency. This is also a problem for private clients. Courts have IT challenges, but this will be a challenge for human rights lawyers and clients. It is something participants need to talk about over a private virtual network. It was suggested that LRWC seek advice from an activist community on a different meeting application.

Also suggested is that people be enabled to send documents that are pass-code encrypted – “resp encryption” – sent with a text pass-code to allow access to documents. It was pointed out that many lawyers are busy with other things, and encryption end to end is beyond many to master. There was reference to the importance of a new book by Maureen Webb, *Coding Democracy – How Hackers Are Disrupting Power, Surveillance, and Authoritarianism*.

12. Discussion of planning for 2020-2021

C. Morris: Planning is happening for both the short term and the long term. Members were asked for their suggestions for LRWC. The following ideas were mentioned as important:

- Internet security for LRWC volunteers and those with whom they work in other countries; it was agreed that LRWC needs to develop a security plan, and several members volunteered to assist. It was emphasized that security solutions need to be easy to implement by those with limited technical knowledge.
- Increased financial security for LRWC; Several members expressed interest in assisting with fundraising and writing grant proposals.
- Several persons made suggestions for website improvements.
- The importance of ensuring LRWC’s transition to leadership by younger people was emphasized.

Transition: Gail Davidson thanked Diane Rodgers, LRWC’s office administrator, for her assistance with the transition. It was agreed that there was a need for a celebration to acknowledge Gail Davidson’s huge contributions to LRWC.

Issues and regions requiring attention in the upcoming year, include China, Hong Kong, Latin America, Indigenous People’s rights.

There were numerous expressions of thanks and admiration for Gail Davidson’s extraordinary contributions.

13. Other business

Motion for a Notice of acclamation for Gail's many years of contribution to LRWC, moved by C. Morris, seconded by C. Ansley and carried.

Motions to adjourn, moved by R. Morales, seconded by C. Ansley and carried.

Meeting adjourned at 4:03 pm.