



## WELCOME FROM THE DIRECTOR, RENU MANDHANE



It's hard to believe that September is over – I am very excited about all that the IHRP has planned for the upcoming academic year. From movie screenings to advocacy before the Supreme Court of Canada, the IHRP is set for another remarkable year. I want to thank all our amazing students, faculty, alumni, and supporters who generously volunteer their time to enable the IHRP to advance the field of international human rights law.

Please find attached our new brochure which highlights the experiences of our students and alumni, and our remarkable impact. I will be sending around the latest issue of *Rights Review*, our student-edited magazine, in the coming weeks.

Please do not hesitate to get in touch if you would like to assist the IHRP or make a charitable donation. My email is [renu.mandhane@utoronto.ca](mailto:renu.mandhane@utoronto.ca).

*Renu Mandhane*

### ADVISORY BOARD

Louise Arbour  
Adrienne Clarkson  
Ronald Daniels  
Bill Graham  
Yash Ghai  
Michael Ignatieff  
Harold Koh  
Roy McMurtry  
Cecilia Medina  
James Orbinski  
Robert Prichard  
Bob Rae  
John Ralston Saul  
Ken Wiwa

### FACULTY ADVISORS

Trudo Lemmens, *Chair*  
Vincent Chiao  
Karen Knop  
Patrick Macklem  
Judith McCormack  
Mariana Mota Prado  
Jennifer Orange

### DIRECTOR

Renu Mandhane, J.D., LL.M.  
39 Queen's Park  
Room 106  
Toronto, Ontario M5S 2C3  
Tel: 416.946.8730  
Fax: 416.978.8894  
[renu.mandhane@utoronto.ca](mailto:renu.mandhane@utoronto.ca)

## ADVOCACY

We are excited this year to be supporting the work of a number of remarkable NGOs through our 2014 [clinic](#) and [working group](#) projects:

Amnesty International, Canada  
Bora Laskin Law Library  
Canadian Centre for International Justice  
Clean Trade Project, King's College  
London  
International Committee for the Red Cross  
Jordanian Media Institute

Journalists for Human Rights  
Lawyer's Collective, India  
MiningWatch Canada  
PEN Canada/PEN International  
Refugee Law Office, Legal Aid Ontario

### **Yaiguaje et al. v Chevron Corporation**

The IHRP, MiningWatch, and the Canadian Centre for International Justice (CCIJ), have been granted leave to [intervene before the Supreme Court of Canada in Yaiguaje et al. v Chevron Corporation](#). The IHRP will be represented by Renu Mandhane (Director of the IHRP), along with two UofT alumni' Murray Klippenstein and Cory Wanless.

The *Lago Agrio* litigation is a decades-long struggle between Chevron and Amazonian villagers from Ecuador who are seeking compensation for the extensive pollution of the Amazon Rainforest between 1972 and 1990. In February 2011, after years of litigation in Ecuador, the Ecuadorian Supreme Court found Chevron liable for \$9.51 billion in environmental and health-related damages.

*Yaiguaje et al. v Chevron Corporation* is an attempt to get a Canadian court to enforce the \$9.51 billion Ecuadorian judgment against Chevron in Canada. At this juncture, the Supreme Court is only considering preliminary issues regarding whether plaintiffs are able to attempt to enforce the Ecuadorian judgment in Canada at all. Notably, the Supreme Court will not, at this stage, determine whether the Ecuadorian judgment will be enforced in Canada – that is a question for another day.

The primary purpose of our joint intervention will be to inform the Supreme Court about recent developments in international human rights law related to the right to an effective remedy for corporate human rights abuses, and to urge the Supreme Court to interpret Canadian common law in a manner that removes legal barriers that prevent victims of abuses by transnational corporations from attaining reparations or damages through the judicial process.

The IHRP's factum is due on October 17, and is being drafted with the assistance of IHRP clinic students Alison Mintoff (3L) and James Rendell (2L).

## Honduras' Universal Periodic Review before the UN Human Rights Council



On September 15, 2014, the IHRP, along with its partners PEN Canada and PEN International, filed a [shadow report](#) with the UN Human Rights Council to assist with their Universal Periodic Review (UPR) of Honduras. The shadow report is based on the 2014 IHRP/PEN report, [Honduras: Journalism in the Shadow of Impunity](#). The shadow report finds that many of the areas of concern highlighted at the last UPR persist or have worsened, while a large number of the advances praised at that time have been seriously undermined. The shadow report includes a number of recommendations to better protect freedom of expression in the crime-ravaged country, with an emphasis on ending near total impunity for crimes against journalists.

In April, the IHRP and PEN Canada appeared before [Canada's House of Commons Standing Committee on International Trade](#) to advocate for greater protection for human rights within the Honduras-Canada Free Trade Agreement. Thank you to Kaitlin Owens (JD2015) who assisted with preparation of the submissions.

## Suleyman Goven v Canada

On September 12, 2014, the IHRP received notice from the UN Human Rights Committee that it has accepted the [IHRP's complaint submitted on behalf of Suleyman Goven](#). According to the Committee's Rules of Procedure, Canada has 6 months to respond to Goven's complaint. We are pleased to have passed the first hurdle in ensuring accountability for rights violations against Goven outlined in our submissions to the Committee.

On April 28, 2014, the IHRP filed a petition with the Committee on behalf of Goven, a Canadian citizen who arrived as Convention refugee from Turkey over 20 years ago. Goven who claims that Canada violated his rights under the International Covenant on Civil and Political Rights for the mishandling of his application for permanent residence over the course of more than 13 years. Three law students, Malorie, Malone, Katherine MacDonald, and Marianne Salih assisted with the petition through the IHRP legal clinic.

“As an Alevi Kurd, I suffered discrimination and persecution in Turkey,” said Goven. “I came to Canada to escape torture and because I feared for my life. The Canadian government, however, branded me a security threat for over a decade, even ignoring the finding of its on national security review agency.”

Goven came to Canada in 1991, fleeing persecution and torture in his native Turkey. Though he was recognized by the United Nations as a refugee shortly after his arrival in Canada, he was denied permanent residence status by Canada for over 13 years.

Approximately a year after Goven filed his application for permanent residence, he was interviewed by CSIS, Canada's spy agency. CSIS agents told him that if he provided information about other members of the Toronto Kurdish community, they would recommend his application for permanent residence be granted. He was asked to identify members of the Kurdish Workers Party (PKK) living in Toronto – the PKK is a political and militant organization in Turkey involved in the struggle for self-determination of the Turkish Kurds. It has been engaged in armed action against the Turkish government.

Goven was not a member of the PKK and did not know anyone in Canada who was a member. Yet Canada continued to refuse making a decision on his application for permanent residence. With no word on the status of his application for four years, Goven filed a complaint with the Security Intelligence Review Committee ("SIRC"), which is responsible for oversight of CSIS. SIRC held a 15-day hearing into Goven's complaint. In a report issued in April 2000 – seven years after Goven's initial application for permanent residence – SIRC concluded that Goven did not pose a threat to Canada's national security and recommended that he should be granted permanent residence.

Mary Jo Leddy, Founder of Romero House and member of the Order of Canada, assisted Goven with his complaint to SIRC: "The government of Canada ignored SIRC's findings and recommendation. Instead, the government renewed its investigation into Suleyman and spent another six years trying to prove his ties with the PKK, ultimately without success."

Goven was finally granted permanent residence in 2006, almost 14 years after his initial application. He put his life on hold for over a decade, unable to obtain travel documents to see his family or to obtain the certification needed so he could resume his career as an engineer. He minimized contact with the Kurdish community in Canada in the hope that he could demonstrate to the Canadian government that he had no ties to the PKK. The psychological toll on Goven has been profound. "The government of Canada, however, has never recognized any mishandling of Goven's application or the harm he has suffered," said Katherine MacDonald, a third-year student who assisted with the petition. "Instead, Canadian courts have rejected the idea that individuals like Goven – whose permanent resident applications have languished for years and have been seriously harmed as a result – have any right to a civil remedy." Goven is asking the United Nations recommend that Canadian courts hear Goven's claim.

## IHRP IN THE NEWS

[NWT corrections says segregation protected inmates](#)  
[How many more Edward Snowshoes are in our prison? Globe and Mail](#)  
[Failed by Ottawa, former refugee deserves justice](#)

## EVENTS - MARK YOUR CALENDARS!

<b>Time, Location</b>	<b>Date,</b>	<b>Speaker/Presenter</b>	<b>Topic/Title</b>
October 14, 2014 Alumni Hall 12:15-2:00 p.m.		IHRP Asper Centre Out in Law	<a href="#"><u>HBO Documentary Screening: The Case against 8</u></a>  The riveting documentary THE CASE AGAINST 8 takes an in-depth look at the historic federal lawsuit filed in an effort to overturn Prop 8, California's discriminatory ban on same-sex marriage. Shooting over five years, with exclusive behind-the-scenes footage of the powerhouse legal team of David Boies and Ted Olson and the four plaintiffs in the suit, directors and producers Ben Cotner and Ryan White have created a powerful emotional account of the journey that took the fight for marriage equality all the way to the U.S. Supreme Court.
October 23, 2014 6:00 p.m. Alumni Hall		Human Rights Watch IHRP Out in Law	<a href="#"><u>Hated to Death: Human Rights Watch Launch of Report on LGBT Rights in Jamaica</u></a>

## SUMMER INTERNSHIPS

I returned from my second maternity leave at the end of March, just in time to bid farewell to our 2014 summer interns as they set forth into the world. As always, I was struck by the amazing passion and sense of adventure our interns bring to their law school experience. It is a certain type of law student (the best type in my opinion!) that chooses to spend his or her summer grappling with some of the most challenging

issues facing the world today. Our students engaged with diverse topics such as the effective prosecution of war criminals, protection of the right to health in the face of expanding intellectual property rights, and effectively ending discrimination against so-called “illegal immigrants” and sexual minorities. You can [read their reflections](#) here.

Indeed, as the IHRP enters its 27th year, I am continually awed by the life-changing experiences these internships offer our students. Every year, students tell me how their internship impacted not only how they viewed the law, but how they viewed themselves. Indeed, just this year, 1994 IHRP intern, [Leilani Farha](#), was appointed UN Special Rapporteur on the Right to Housing, while 1996 intern, [Sujit Choudhry](#), was appointed Dean of Berkeley Law School. After reading the reflections from our 2014 interns, I am sure you will agree me that they too are destined for great things.

Through this month and into the new year, I will be meeting with many, many students who see the tremendous value that our internship program offers and who are keen to get their feet wet in the field. Providing students with these types of opportunities is truly a privilege and pleasure.

If you would like to host a 2015 IHRP intern, please do not hesitate to contact me.

## **THANK YOU TO OUR AMAZING VOLUNTEERS**

I would like to extend a big thank you to the many people who have already volunteered their time to the IHRP over the summer and this term.

TJ Adhihetty, clinic student mentor  
Chris Albin-Lackey, clinic guest lecturer  
Gabriel Armas-Cardona, working group supervisor  
Michael Battista, working group guest lecturer  
Susan Barker, working group supervisor  
Lorand Bartels, clinic project supervisor  
Kate Barth, working group supervisor; clinic student mentor  
Laura Brittain, clinic project supervisor  
Andrew Brouwer, clinic project supervisor  
John Bolan, library training session  
Brendan de Caires, clinic project supervisor  
Kathleen Davis, working group guest lecturer  
Matt Eisenbrandt, clinic student mentor  
Barb Jackman, clinic guest lecturer  
Naregh Galoustian, clinic project supervisor  
Katherine MacDonald, clinic project researcher  
Alex Neve, clinic project supervisor  
Stephanie Orange, clinic guest lecturer  
Anne Orford, clinic guest lecturer  
Murray Klippenstein, *pro bono* counsel  
Ryan Liss, working group supervisor

Rita Maxwell, clinic guest lecturer  
Andrea Prasow, clinic student mentor  
Fiona Sampson, clinic student mentor  
Amanda Sussman, clinic guest lecturer  
Rebecca Sutton, working group supervisor  
John Terry, clinic student mentor  
Tasleem Thawar, clinic project supervisor  
Cory Wanless, *pro bono* counsel; clinic guest lecturer  
Leif Wenar, clinic project supervisor  
Suzanne Wood, clinic guest lecturer

# Advancing the field of International Human Rights Law



**“The IHRP taught me more about human rights law than any other course”**  
– Ryan Liss, JD 2011



**“The IHRP taught me how to tell the story of human rights violations both critically and with sensitivity”**  
– Sofia Ijaz, JD 2014



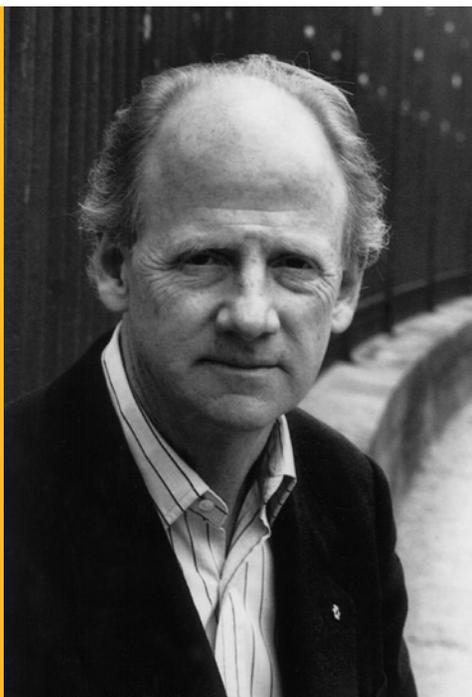
# Advocacy

Through our award-winning clinic and volunteer working groups, the IHRP enhances the legal protection of existing and emerging international human rights.

- Successfully intervened in the Omar Khadr case before the Supreme Court of Canada
- Drafted fact-finding report that exposed Canada's treatment of prisoners with mental health issues; the report was relied upon by the UN to find that extended segregation of mentally ill prisoners is cruel, inhuman and degrading
- Assisted mining-affected communities to understand their rights through publication of plain language guides
- Filed complaint to the European Court of Human Rights on behalf of 13 Roma families alleging gross violations of human rights; obtained financial compensation from Romanian government and commitment to implement measures to prevent discrimination
- Successfully brought an international human rights perspective to litigation that held the government of Kenya accountable for sexual violence against girls

IHRP clinic students provided a rigorous legal analysis of the Mexican government's complicity in rights violations against journalists. I have referred to the resulting report in newspaper articles, correspondence with heads of state, and at public speaking events.

**John Ralston Saul**  
*President, PEN International  
Canadian author and essayist*



**“My IHRP internship nearly 25 years ago opened doors for my eventual career in international human rights law.”**

**Diane Goodman**, *Deputy Representative, UN Refugee Agency, Nepal*



## Knowledge Exchange

The IHRP disseminates knowledge about human rights to students, academics, NGOs, government, and the private sector.

- Responded to dozens of requests from refugee lawyers for comprehensive briefs on persecution of sexual minorities in countries around the world
- Partnered with the International Red Cross to make international humanitarian law more accessible to lawyers, military officials, and academics
- Expanded database of resources for women's human rights defenders in the Global South



## Capacity-Building

The IHRP provides future lawyers with experiential learning opportunities that emphasize intellectual rigour, ethics, and professionalism. Our alumni have gone on to careers at international courts, NGOs, the UN, and academic institutions.

The IHRP has sent over 300 summer interns to organizations around the world, including the International Criminal Court, UN Women, Human Rights Watch, and grassroots NGOs on every continent.

**“It was incredible to conduct human rights research in Sri Lanka after my first year of law school - the IHRP allowed me to meaningfully engage on issues I have cared deeply about since I was a child.”**

– Dharsha Jegatheeswaran,  
JD 2015



## **Flexible & Responsive**

The freedom to pursue a diversity of projects without thematic restriction allows the IHRP to respond quickly to changes in the Canadian and international landscape and provides students with a well-rounded view of international human rights advocacy.

The IHRP has an established track record advancing the rights of refugees, prisoners, sexual minorities, women, communicators, and mining-affected communities, both in Canada and abroad.

**“The IHRP is one of the hallmarks of the Faculty’s focus on international law, and I am so proud that it continues to grow and expand in ways that impact both our students and global society.”**

**Mayo Moran**  
*Dean 2006-2014, Faculty of Law*



**Contact Information:**  
**Renu Mandhane**, JD, LL.M  
Director

International Human Rights Program  
University of Toronto Faculty of Law  
(416) 946-8730 [ihrp.law@utoronto.ca](mailto:ihrp.law@utoronto.ca)  
[ihrp.law.utoronto.ca](http://ihrp.law.utoronto.ca)