

## IHRP Final Report

### **Department of Justice, Crimes against Humanity and War Crimes Section**

*Katie Bresner*

During the summer of 2015, I worked alongside the counsel and historical analysts of the Crimes against Humanity and War Crimes Section (“the Section”) of Canada’s Justice Department as an IHRP intern. The Section works to implement Canada’s “no safe haven” policy in collaboration with the Royal Canadian Mounted Police (RCMP), Canada Border Services Agency (CBSA), and Citizenship and Immigration Canada (CIC). The “no safe haven” policy is meant to ensure that individuals directly or indirectly involved in the commission of war crimes, crimes against humanity, or genocide, are not living in Canada, avoiding prosecution for their crimes. It is part of Canada’s obligation under international criminal law to see the perpetrators of such heinous atrocities brought to justice.

As an intern, I contributed to a number of files counsel were working on by writing memos that answered due diligence-type questions relating to international criminal law, as well as Canadian constitutional, criminal, immigration, and refugee law, and evidentiary and administrative matters; by summarizing witness statements; by analyzing evidence; and through attending meetings with the RCMP, CBSA, and CIC. Not only was the subject matter of the files interesting individually, but were, in most cases, cast against the backdrop of infamous historical events. Answering these questions was not only an interesting exercise of legal analysis, but of historical analysis as well.

The files that I was fortunate enough to work on during my time at the Section took me all over the globe: from the Europe to Africa to the Americas. It was fascinating to learn about the broader context of the crimes accused, and indirectly in my analyses, how international law has developed and changed in response to major world events. Some of the questions I answered related to gathering evidence and respect of Charter rights, as well as touching upon some of the issues that arise when gathering evidence outside of Canada; the meaning of “widespread” in the context of crimes against humanity, where it is necessary that an attack be “widespread or systematic” in order for a crime against humanity to be found; the definition and application of war crimes across a historical timeline; an assessment of aiding and abetting; and, for example, questions related to administrative and evidentiary matters such as whether and in what circumstances evidence gathered in a criminal context can be used in a civil context.

Working for the Section was an incredibly interesting and enriching experience. All of the counsel I worked with were eager to help me learn as much as possible and expose me to as much of the Section’s activities as possible by allowing me to sit in on meetings, attend special discussions, and offer advice and support. It was a pleasure working with such a wonderful group of people who were so passionate about their work. I am forever grateful to the IHRP for making my summer in Ottawa possible, and to the Department of Justice for the incredible opportunity to contribute to the amazing and interesting work that they do.