



**ANNUAL REPORT 2012-2013  
FOR JUSTICE TO BE DONE**



# LWB Canada

Photo on the cover page by Marie-Michèle Longchamps, Lawyers without borders Canada: *Statement by the former Head of State José Efraín Ríos Montt, at the end of his genocide and war crimes trial, Ciudad Guatemala, May 9<sup>th</sup>, 2013.*

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Special thanks to Marcelo Rivero for the photos on pages 5, 6, 9, 10, 14, 16 and 18.  
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# A word from the Chairman of the Board and Executive Director

For the first time in history, a domestic court in the Americas held a former head of state criminally liable for genocide and war crimes.

The latest report tabled by Lawyers Without Borders Canada (LWBC) set the stage for the 10<sup>th</sup> anniversary of the organization, which culminated with a benefit show held in Quebec City on 25 April 2013. The event was sponsored by six former Canadian prime ministers and Quebec premiers - all of them legal professionals - and it brought together more than 350 people, including several influential judicial and governmental figures.

Less than a month later, LWBC celebrated once again, this time in honour of one of the most incredible events to which it has contributed in over 10 years of working towards access to justice for vulnerable people: on 10 May 2013, a Guatemalan court sentenced José Efraín Ríos Montt to 50 years in prison for genocide and to 30 years for war crimes. For the first time in history, a national court in the Americas established the criminal liability of a former head of state for offences of this gravity.

The celebrations were short-lived, as on 21 May the Constitutional Court of Guatemala revoked the verdict on highly questionable procedural grounds. Even though the proceedings will begin anew, the initial decision, which was enthusiastically received all over the world, nevertheless made history and set a legal precedent. As a result, the initial verdict constitutes a major step in the fight against impunity, irrespective of the outcome of the new trial.

At the same time, LWBC was involved in another case of international significance, that of Jean-Claude Duvalier, the former "President for Life" in Haiti. Nearly 30 years after the end of his regime, he has finally been ordered to appear before a court and to answer for his actions.

In both of these cases, dozens of lawyers, LWBC volunteers and staff members have actively participated at all stages of these trials. As always, these ongoing efforts support the work of LWBC's key local partners.

In addition to these two high-profile cases, LWBC has contributed to several other successful efforts on behalf of the victims of grave injustices over the period covered by this report (1 July 2012 to 30 June 2013), which are discussed further in this document or on our website (<http://www.asfcanada.ca/en/>).

To name but a few highlights, this year has seen the conclusion of the 2010-13 phase of our Frontline Justice Project in Haiti which provided legal aid services to 1900 victims of the earthquake and other vulnerable people. Furthermore, there have been key rulings recognizing the rights of indigenous communities in Colombia, thanks to the efforts of human rights lawyers from these communities supported by LWBC.

LWBC is also pleased to be expanding its horizons with new projects in Peru and Mali. In Peru, LWBC has supported a new local partner in the development of a training program for judges and lawyers in the evaluation of evidence in cases of sexual assault against women and minors. This program has already led to changes to legal decisions. In Mali, LWBC has participated in two missions and produced a report on the mechanisms of transitional justice that could be put in place to help the country move from conflict to a sustainable peace.

Paradoxically, these achievements in the field come at a time when, like many of its peers, LWBC has seen a sharp decrease in its financial resources due to significant cuts in public funding and shifting priorities in foreign aid policy. LWBC has had to deal with these difficulties by making staff and budget cuts, which have inevitably had a direct impact on its partners and on the victims and vulnerable groups who benefit free of charge from its activities.

In this context, financial support is more important than ever for LWBC, whose team is working tirelessly to diversify its sources of income. Partnerships have thus been established with new donors such as the Canadian International Development Agency (CIDA), now the Department of Foreign Affairs, Trade and Development Canada (DFATD); the Government

of Norway; Fokal (the Haitian branch of the Soros Foundation); and Canadian Funds for Local Initiatives.

International cooperation in matters of justice and human rights remains more relevant than ever. LWBC is determined to continue its mission, underpinned by its strong values, principles and experience. Alongside its local partners, LWBC will continue to help the victims of grave injustices and to produce tangible results on their behalf. Thank you to all the partners, volunteers and employees who have made our work possible.



**Miguel Baz**

Chairman of the Board  
of Directors



**Pascal Paradis**

Executive Director

# Areas of intervention of LWBC

## Strategic Litigation

### Emblematic cases for the full realization of human rights

Over the past year, LWBC continued to work towards strengthening the capacity of its partners to represent victims of serious human rights violations in emblematic cases before both domestic and international courts. This is done through what LWBC terms "strategic litigation", so-called because it contributes to the emergence of jurisprudence favourable to the full realization of human rights, and the promotion of important social and structural change.

#### Fight against impunity: in the pursuit of ex-dictators

The past year was marked by LWBC's involvement in two of the most important cases to go before national tribunals anywhere in the world, both of which attracted significant international media coverage. The first of these is the trial against the former Haitian "President for life" Jean-Claude Duvalier, accused of leading a regime who killed, tortured, or caused the disappearance or exile of thousands of Haitians. The second of these trials is that against the former Guatemalan Head of State General José Efraín Ríos Montt, accused of planning and implementing a genocidal policy that caused the death of thousands of Maya Ixil people.

LWBC is a partner of the Collective Against Impunity (*Collectif contre l'impunité*), who represents the complainant(s) in the case against Jean-Claude Duvalier in Haiti, and of the Human Rights Law Office (*Bufete jurídico de derechos humanos*), which represents the families of the victims in the case against José Efraín Ríos Montt in Guatemala.



Ceremony commemorating the victims in front of the Courthouse in Ciudad Guatemala on the first day of the Ríos Montt Trial.

**José Efraín Ríos Montt** was sentenced on 10 May 2013 by a Guatemalan court to 80 years imprisonment for genocide and war crimes. Although his conviction was overturned on 21 May by the Constitutional Court of Guatemala on disputed technical grounds, the verdict remains a historic decision as it was the first time a former head of state had been prosecuted before a court of that country for genocide. Not only is this a landmark decision for International law, it has also generated considerable discussion in Guatemala and has enabled the youth of Guatemala to reclaim a part of their history. Among its other contributions to the case, in November 2012, LWBC presented a memorandum of argument (*amicus curiae*) to the Constitutional Court of Guatemala against amnesty laws protecting Mr. Ríos Montt from the accusations against him. These amnesty laws were subsequently declared inoperative, paving the way for a trial.



The former Head of State José Efraín Ríos Montt during his trial.

In January 2012, an investigating judge concluded that **Jean-Claude Duvalier** could only be charged with economic crime, and not crimes against humanity. This decision is currently being appealed before the Court of Appeal in Port-au-Prince. The hearings, which took place between 31 January and 9 May 2013, allowed alleged victims of the Duvalier regime to be heard in court for the first time after 30 years of waiting. On 28 February 2013, Jean-Claude Duvalier was also ordered to appear before the Court of Appeal in Port-au-Prince to respond to questions from the bench. This day was a historical breakthrough and marked the first crack in the wall of impunity that surrounds the former dictator. LWBC has contributed to the development of the strategy and legal arguments presented on appeal by the Collective Against Impunity, including in relation to the court order forcing Jean-Claude Duvalier to testify.



Judges of the Court of Appeal in Port-au-Prince, Jean-Claude Duvalier Trial.

## Justice for grave crimes in Guatemala

It was a rewarding year for LWBC and its partners who, in addition to successes relating to Rios Montt case, won important victories in a number of emblematic cases. These include:

- **The Rio Negro massacres.** The victims of the massacres committed between 1980 and 1985 in the community of Rio Negro obtained an important victory before the Inter-American Court of Human Rights. On 4 September 2012, the Court recognized that the families of the victims have also been subject to cruel and inhuman treatment due to the refusal of the state to acknowledge the events and investigate them. LWBC was closely involved in the preparation of the hearing in June 2012.
- **Military Diary.** 26 families of victims of forced disappearance received justice before the Inter-American Court of Human Rights after 28 years of waiting. Military documents proved that State agents kidnapped, tortured and summarily executed citizens. In this landmark decision, the court concluded that the Guatemalan State had acted unjustly and with impunity. The court ordered the State to pay damages to the families, investigate and establish the surrounding events, make efforts to find the bodies of the victims, provide psychological support to families and develop a public site in memory of the fallen.
- **Cotzal Case.** In August 2012, the former mayor of the municipality of Cotzal was sentenced to 82 years in prison, in the first conviction in Guatemala for a crime of torture committed on national territory.

## The legal struggle against organized crime and paramilitaries in Colombia

Through its partnership with the Lawyers Collective José Alvear Restrepo (CAJAR), LWBC contributed to the progress of emblematic cases in Colombia. These cases shine a light on the individual responsibility of Colombian leaders in the commission of serious crimes, particularly in the following cases:

- **Chengue Massacre.** The massacre of 27 unarmed peasants in 2001 has finally been classified as a crime against humanity by the Attorney General's office. The revelation of the relationships between the military, national police, civil authorities and paramilitary forces ultimately led to proving the State's liability in commission of the massacre, together with several others. The investigation also led to the first indictment of one of the perpetrators of the massacre, an alleged member of the country's main paramilitary group.
- **The Murder of Oscar Enrique Montero.** In March 2013, Manuel Rafael Marino was sentenced to 32 years and 5 months in prison for the murder of Mr. Montero, an individual protected under international humanitarian law (IHL). Two others were found guilty of conspiracy to commit a crime. This case has also led to the former Governor of the region being held in custody on suspicion of ordering the murder and the reopening of an investigation against him.



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**Left:** Hearing in the case against the former mayor of Cotzal for crime of torture, Guatemala.



**Right:** M<sup>e</sup> Jean-Joseph Exumé, Counsel for the complainants, doing the opening statement on the appeal hearing in the Jean-Claude Duvalier's case.

# Civil and Political Rights

## The fight against gender-based violence, a priority

The enjoyment of civil and political rights recognized by numerous international instruments remains at the heart of LWBC's priorities in the countries where it operates.

This year, LWBC has placed particular importance on the criminal prosecution of acts of violence, especially those of a sexual nature committed against women and girls. Because the fight against gender-based violence is one of the keys to human development, LWBC has supported various initiatives by its partners in this area.

### Facilitating the Proof of Sexual Assault in Peru

LWBC contributed to the development of a guide designed to help stakeholders in the justice system properly evaluate evidence in cases of sexual assault, which are unfortunately both common and frequently go unpunished. This work was conducted in partnership with the Institute for the Promotion of Social Development (*Instituto promoviendo desarrollo social - IPRODES*).

Three training courses were conducted in Huánuco, Callao and Lima, allowing more than 75 judges to be trained on methods of evaluating evidence in accordance with international standards for cases of sexual assaults (such as not requiring proof of physical resistance by the victim and not allowing questioning around the sexual conduct of the victim except in very limited circumstances, etc.). These standards have already been reflected in recent decisions by judges who participated in the training.

### Ensure that justice focuses on gender-based violence

In Guatemala, LWBC contributed to the recognition that systematic use of violence against women can in some circumstances be considered an international crime. Thanks to the work of the Human Rights Law Office supported by LWBC, the judgment on 10 May against former dictator José Efraín Ríos Montt concluded that sexual violence perpetrated against women of Mayan Ixil ethnic origin during military operations in the 1980s was in itself an act of genocide. This marks a very significant development in jurisprudence, paving the way for future cases despite the subsequent annulment of the decision.

### Support for victims of gender-based violence

LWBC's legal aid and legal assistance programs in Haiti concentrate their efforts on women, who made up two-thirds of all beneficiaries, particularly in cases involving gender-based violence. Psychosocial support and legal aid were offered, and numerous women were represented by an attorney in court, which is rare in Haiti. In a number of cases, convictions were obtained against the aggressors and payment of damages was also ordered.

### LWBC and the fight against torture

In addition to supporting many cases of strategic litigation in cases of torture, in October 2012 LWBC participated in a conference on torture held in Lima, Peru, by REDRESS and the National Coalition of Human Rights (Coordinadora Nacional de Derechos Humanos). The conference brought together experts from 17 countries in the Americas. Together with the Canadian Centre for International Justice, LWBC presented the current situation in Canada, highlighting that while the United Nations Convention Against Torture is generally respected in the country, there are cases where Canada has allegedly been implicated in or connected with torture committed by third parties.



Peruvian judges during a training workshop about the evidence in a sexual assault case, Lima.

# Right to a fair trial

Lawyers and judges practicing in conditions of independence and security to ensure that justice is done

LWBC's interest in the ability of lawyers to freely practice the legal profession is matched by an unconditional commitment to the independence of the judiciary. Compliance with recognized international legal standards for the protection and independence of judges, lawyers and other stakeholders in the judicial process is a key element in guaranteeing the right to a fair trial.

## Human rights lawyer: a high-risk occupation

LWBC continues to act in support of lawyers and human rights defenders under threat. This is particularly the case in Colombia, Guatemala and Haiti, where recent advances in the fight against impunity have antagonized many hostile forces. This solidarity is expressed in a variety of forms: public statements or press releases, activation of warning systems, international support missions, and interventions with the authorities, strengthening of lawyers' associations, training and advocacy.

## LWBC concerned by the situation in Mexico

On 18 October 2012, LWBC participated in a seminar bringing together civil society of Mexico and the European Union (EU) on the challenges faced by human rights defenders that took place in Mexico City. LWBC also participated in several meetings with organizations from Mexican civil society.

The human rights situation in Mexico is very worrying. In recent years, an increasing number of serious human rights violations have been committed, including cases of gender-based violence, torture, extrajudicial killings and forced disappearances.

## LWBC denounces Colombian military courts

Respect for the right to a fair trial requires that the application of the military criminal justice system be confined exclusively to offenses of a disciplinary nature committed by members of the forces. For this reason, LWBC opposed the intentions of the Colombian government to give precedence once again to this so-called justice of "exception" which more often than not favours impunity. In December 2012, LWBC prepared an briefing note for Colombian parliamentarians, and in May 2013 submitted a memorandum of argument (*amicus curiae*) to the Constitutional Court expressing concern about this reform's lack of compliance with international standards.

## Threats in Guatemala: LWBC before the Inter-American Commission

On March 15, 2013, LWBC and their partners were invited to participate in a thematic hearing convened by the Inter-American Commission on human rights (IACtHR) in Washington. They alerted the IACtHR to increasing threats and intimidation against judges and lawyers involved in emblematic cases in Guatemala, particularly in the context of the genocide trial of General Ríos Montt where the attacks were clearly associated with armed forces. On 5 April 2013, in its public statement, the IACtHR urged the Guatemalan government to provide security guarantees so that all justice stakeholders could continue to work under conditions of independence and impartiality.



LWBC and its partners to a hearing before the Inter-American Commission on Human Rights in Washington.

# Economic, Social and Cultural Rights

## The recognition of ESCR for the protection of indigenous land rights.

The effective implementation of economic, social and cultural rights alongside civil and political rights is one of the biggest challenges facing emerging States.

The recognition of ESCR is of crucial importance for indigenous peoples, whose intimate relationship with their territory is inseparable from their identity. In many parts of Latin America, the influx of settlers, the presence of illegal armed groups and economic activity on a large scale – particularly in the mining sector – are sources of pressure on the territorial rights of Indigenous communities and human rights violations.

### **Victories for indigenous lawyers supported by LWBC in Colombia**

In Colombia, LWBC contributed to the struggle of the Emberá-Katío and Sikuani peoples in the departments of Chocó and Vichada. These areas are isolated but rich in natural resources. Alongside local partners, LWBC was able to assist in effectively asserting the collective rights of the people in these areas. This support, provided in collaboration with the National Indigenous Organization of Colombia (*Organización nacional indígena de Colombia - ONIC*), took the form of training workshops and verification missions. Guidance and support for legal actions to enforce the law requiring prior consultation when economic development projects are under consideration were also provided. LWBC played a role in the following successes:

- In August 2012, the High Court of Cundinamarca ruled in favour of the petition by the ONIC for the Colombian Institute of Rural Development (INCODER) to demarcate the borders of the reserve for the Sikuani people, in order to protect it against the possible invasion by settlers or expropriation by illegal armed groups.

- Also in August 2012, the High Court of Quidbó ordered authorities to determine whether the boundaries of the reserve communities of Chidima and Tolo y Pescadito can be expanded. The court also ordered that disciplinary proceedings be initiated against persons responsible for the failure to implement a previous decision of the Constitutional Court in favour of indigenous communities.

### **Aboriginal law and environmental responsibility**

LWBC also presented a memorandum of argument (*amicus curiae*) before the Colombian Constitutional Court supporting the claims of the Afro-Colombian community of the Anchicayá river basin in a case against a hydroelectric company where a sediment spill had destroyed a large part of the agricultural and fishery resources of the river.



# Legal Aid Services and Judicial Assistance

A post-natural disaster justice scheme to respond to the needs of the Haitian people

LWBC continues its work on behalf of people in the metropolitan area of Port-au-Prince affected by the consequences of the devastating earthquake of 12 January 2010.

Lawyers, legal professionals, and psychological and social workers from the LWBC team provided legal aid services and assistance in the Champ-de-Mars Justice Center (*Sant Jistis*) in downtown Port-au-Prince, and in the town halls of Tabarre and Delmas. The results demonstrate the importance of local multidisciplinary services that are provided free of charge and focus on the special needs of the most vulnerable groups, such as women victims of gender-based violence, as well as minors and internally displaced persons (IDPs).

## The release of imprisoned minors

In collaboration with the Office of the Ombudsman (*Office de la protection du citoyen - OPC*), LWBC's Haitian team continues to pay particular attention to the situation of incarcerated minors.

LWBC and OPC are particularly proud to have secured the release of 12 minors who had been held in pre-trial detention for prolonged periods of time. In some cases, the charges were unfounded, while in others the time spent in remand already exceeded the potential custodial sentence. The 12 juveniles were released on 25 December 2012, just in time to celebrate Christmas.

## Representing the homeless

In August 2012, staff of the Justice Center aided the release of displaced people living in a temporary camps who had been arrested for "disturbing public order" offences when they took to the streets to express their distress following the passage of Tropical Storm Isaac. The practice of arresting displaced people under false pretenses is relatively common, and is especially known among landowners (or alleged landowners) attempting to vacate occupied land.

## Obtaining civil status documents

Hundreds of birth and death certificates were obtained through the efforts of LWBC, in conjunction with the Haitian organisation Defenders of the Oppressed (*Défenseurs des opprimées/oppimés - DOP*). Over the course of the two-month project, no less than 200 displaced people were able to obtain birth certificates, while 500 displaced persons were informed of their rights to identification, the use of available mechanisms for obtaining civil status, and advocacy strategies to assert the right to identification.

# International Justice

## The integration of international standards as a basis for action

LWBC's interventions are based on international law, as set out in particular in treaties to which most countries are parties and shaped by international jurisprudence. An important part of LWBC's work is therefore to raise awareness within the countries where it works of the importance of incorporating international standards and the need to apply the jurisprudence emanating from supranational tribunals such as the International Criminal Court (ICC) and the Inter-American Court of Human Rights.

### Colombia: Complementarity between national courts and the ICC

LWBC continues its work in Colombia on the 'principle of complementarity', according to which requires national courts to try perpetrators for serious crimes, with the ICC intervening only in cases of inaction, inability or unwillingness. LWBC seeks to strengthen the capacity of the national judiciary to investigate, prosecute and punish those most responsible for "international crimes" such as war crimes, crimes against humanity and genocide.

- LWBC issued interim reports on its observation of two trials involving emblematic human rights violations emblematic in the context of armed conflict in Colombia (enforced displacement and sexual violence) in order to assess the extent of the courts' ability to implement their obligations under the treaty governing the ICC (the Rome Statute).
- LWBC, in collaboration with *Avocats sans frontières* in Brussels (ASF; [www.asf.be](http://www.asf.be)) and the International Federation for Human Rights, organized a presentation on Colombia's compliance with its obligations under the Rome Statute for the 11<sup>th</sup> meeting of the Assembly of States Parties to the Rome Statute, held in The Hague in November 2012.
- LWBC prepared an educational booklet explaining the *modus operandi* of the ICC and how victims can utilize the system established by the Rome Statute to obtain justice.

### LWBC spurs Colombian authorities into action

On September 6, 2012, LWBC issued a report in Bogotá on the principle of complementarity before an audience of over 150 people. The report focused on the issue of civilians being murdered and later presented as guerrillas killed in combat by soldiers in order to receive bonuses for the deaths. The same day, following the principal recommendations from the report, the Attorney General announced that he intended to devote more resources to the teams responsible for investigating complaints made by the relatives of the victims in such cases.



Right: LWBC participates in the Assembly of States Parties to the Rome Statute in The Hague.

Left: LWBC-LWBB-FIDH event on Colombia and the International Criminal Court, The Hague.

# Training

## An essential component of all LWBC programs

Believing that it is essential for justice stakeholders to have the optimal capacity to defend human rights, LWBC has made training a fundamental component of all its programs. Training programs designed and implemented in collaboration with local partners are adapted to the specific needs of the intended audience.

### Colombia

- Conferences and workshops were held in Cali, Barranquilla, Cartagena and Pasto on the International Criminal Court and the "principle of complementarity". In total, more than 225 lawyers, law students and other interested parties received training.

### Guatemala

- A successful workshop on international humanitarian law was held from 16 to 26 July 2012, and was attended by more than 65 people.
- A series of workshops on strategic litigation were held between 22 October and 26 October 2012. These workshops were a great success, with up to 70 people from 16 civil society organizations and public institutions attending the various sessions.
- From 24 to 30 January 2013, the last of a series of 30-hour seminars on the International Criminal Court was held. This program benefited a total of more than 100 lawyers and legal professionals.

### Haiti

- In February and in May 2013, training sessions were held on strategic litigation for emblematic cases involving serious violations of human rights. These sessions were targeted towards the representatives of the victims who have filed complaints against Jean-Claude Duvalier, as well as other lawyers and human rights activists.

### Canada

- Preparation and audio recording of a training module on the Inter-American human rights system as part of a continuing education program from legal publisher Wilson & Lafleur;
- May 2013: Pre-departure training session for volunteers set to be deployed in the field under the International Youth Internship Program supported by the Canadian Agency for International Development.
- 28 September 2012: A training workshop was held on "Human Rights and Economic Activity: New Challenges for Multinational Corporations, Governments and Local Communities".



**Left:** Workshop on the ICC with the awa aboriginal community from El Diviso Department of Nariño, Colombia.

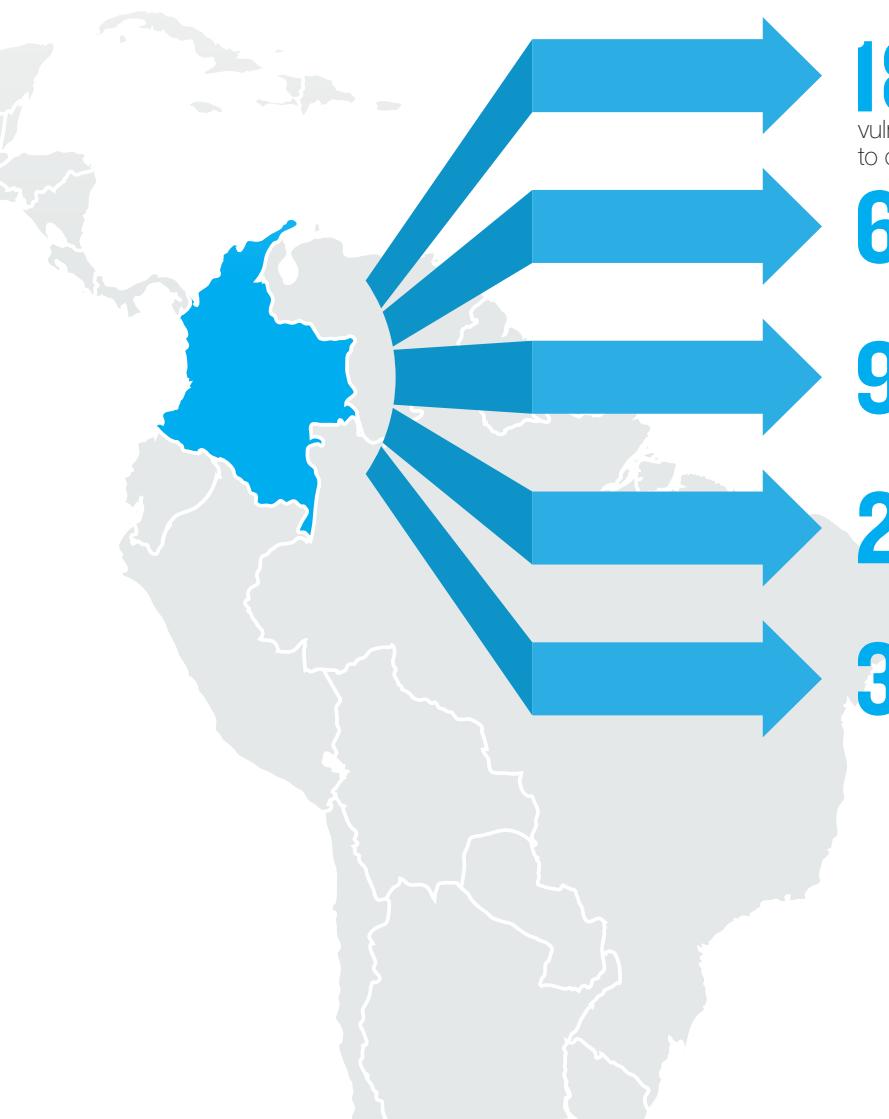
**Right:** Workshop on strategic litigation in Port-au-Prince, Haiti.

# Principal Programs of LWBC

Among other initiatives,  
LWBC programs provide resources that allow local lawyers  
to defend vulnerable groups free of charge  
and secure legal victories so that justice be done.

# Colombia

The 2009-2013 program at a glance



**Left:** Representative of the Afro-Colombian community of La Nupa, Department of Nariño.

**Center and Right:** Traditional doctor and members of aboriginal communities of Chidima and Tolo y Pescadito.

## Main activities and achievements of the year 2012-13

- Nine lawyer members of ACADEHUM were able to advance 29 strategic litigation cases and provide free legal services to vulnerable groups;
- The legal team of the National Indigenous Organization of Colombia (ONIC) is now operating autonomously in cases relating to the rights of indigenous peoples;
- By accompanying lawyers who have been threatened, and participating in international observation missions monitoring the conditions faced by members of the legal profession, LWBC contributes to the ability of human rights defenders to freely practice their profession;
- Submitting amicus briefs and other reports on various legal and human rights issues, creating useful tools for Colombian lawyers and helping to advance the interpretation of the law in favour of the realisation of human rights.

## Partners

- Association of Colombian Human Rights Lawyers – *Asociación colombiana de abogados defensores de derechos humanos* – ACADEHUM
- The José Alvear Restrepo Lawyers Collective – *Colectivo de abogados José Alvear Restrepo* – CAJAR
- National Indigenous Organization of Colombia – *Organización nacional indígena de Colombia* – ONIC
- *Corporación Humanas*
- *Comision intereclesial justicia y paz*
- Lawyers Without Borders Belgium

## Donors

- Department of Foreign Affairs, Trade and Development Canada (DFATD) – Global Peace and Security Fund of the Stabilization and Reconstruction Task Force (START)
- European Union - European Instrument for Democracy and Human Rights (EIDHR)
- Department of Foreign Affairs, Trade and Development Canada (DFATD) - International Youth Internship Program (IYIP)

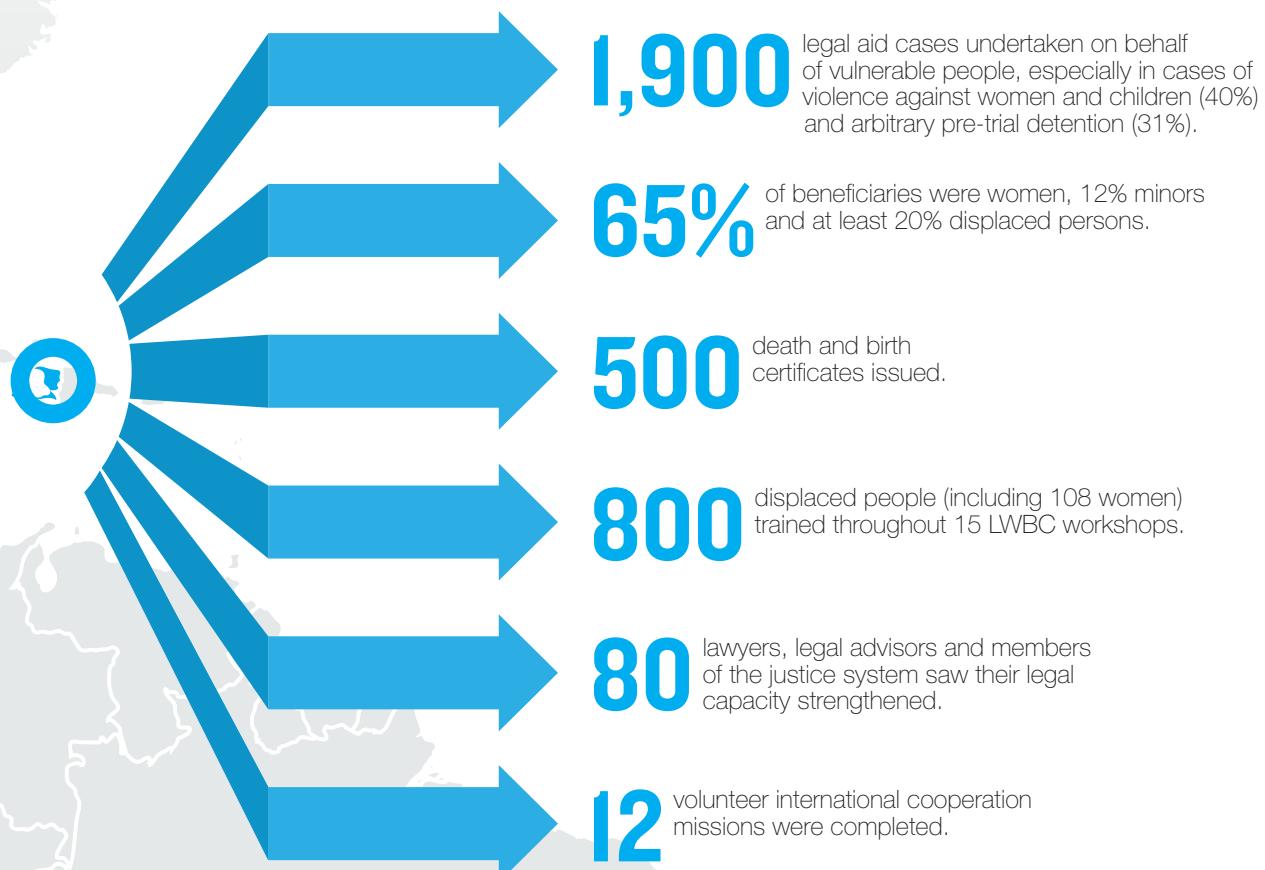


Left: Training workshop participants in La Nupa, Colombia.

Right: Public forum in Bogotá, Colombia.

# Haiti

## The 2010-2013 program at a glance



**Both pictures:** Recipients of LWBC's legal aid services in the IDP camp of "Toto" in Port-au-Prince, Haiti.

**Right page, left picture:** LWBC's Justice Center in the Champ de Mars, Port-au-Prince.

**Right page, right picture:** Visit of LWBC's Justice Centre in Port-au-Prince by Canada's Minister of International Cooperation and Canada's Ambassador to Haiti.

## Main activities and achievements for the year 2012-13

- Legal aid services and free legal assistance offered to vulnerable Haitians by Haitian lawyers and facilitors. Establishment of a solution-focused, client-centered clinic based on the needs of each individual beneficiary;
- Release of juveniles held in abusive pre-trial detention in the Juvenile Detention Centre through advocacy conducted jointly with the Ombudsman's Office (*Office de protection du citoyen*);
- Release of IDPs wrongly arrested;
- Training of civil society organisations, in particular in relation to the rights of female victims of violence, through workshops in IDP camps;
- Technical support provided to the Collective Against Impunity in the trial against Jean-Claude Duvalier, reinforcing the capacity of the representatives of the complainant in this case.

## Partners

- City of Delmas
- City of Tabarre
- Ministry of the Condition of Women and Rights of Women of Haiti (MCFDF)
- Ministry of Justice and Public Safety
- Office of Citizen Protection (OPC)
- Defenders of the oppressed (DOP)
- *Kay Fanm*
- *Solidarité Fanm Ayisyen* (SOFA)
- International Organization for Migration (IOM)
- Collective Against Impunity

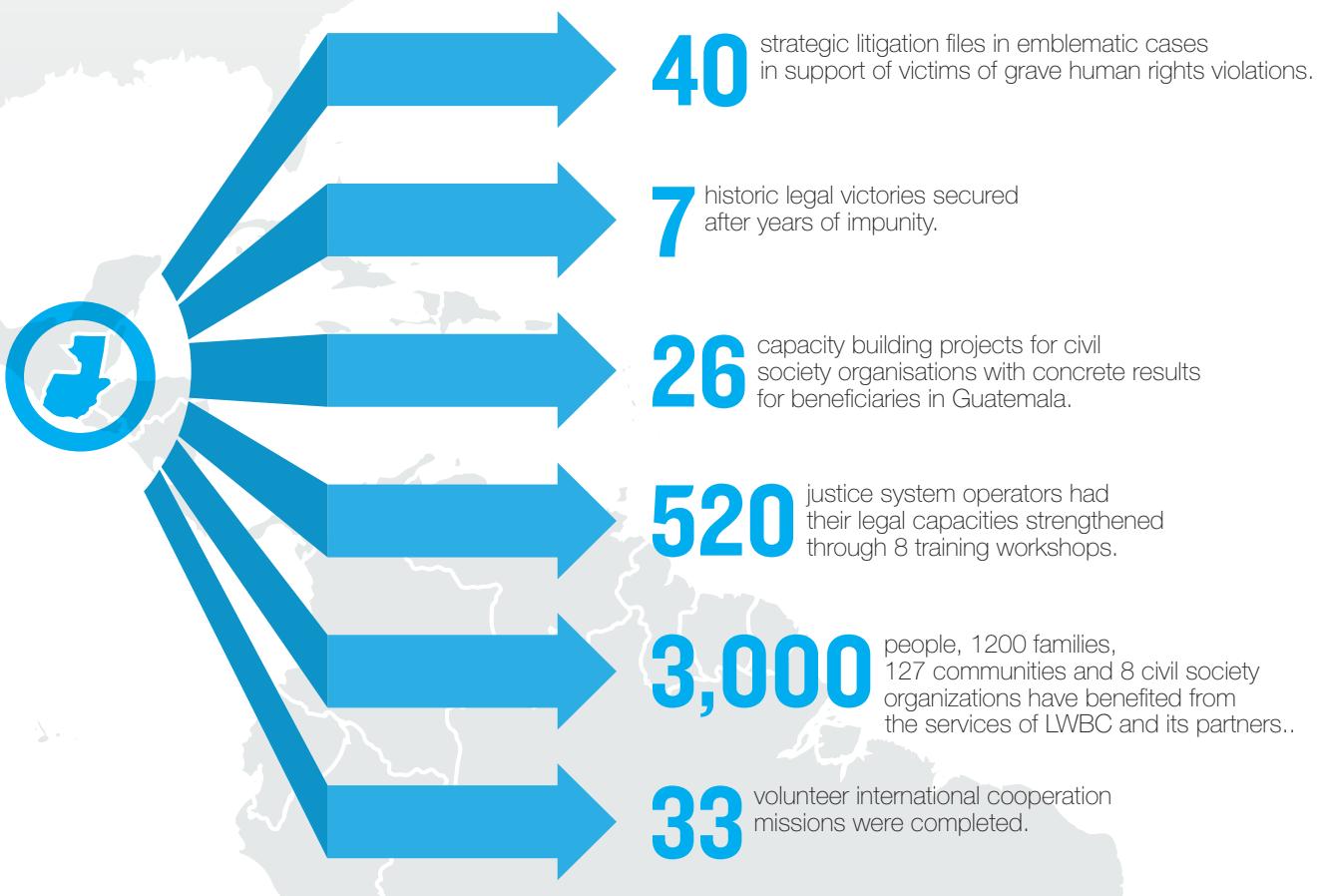
## Donors

- Department of Foreign Affairs, Trade and Development Canada (DFATD) – Global Peace and Security Fund of the Stabilization and Reconstruction Task Force (START)
- Embassy of Canada in Haiti - Department of Foreign Affairs, Trade and Development Canada (DFATD) - Canadian Fund for Local Initiatives (CFLI)
- Foundation for Knowledge and Liberty (*Fondasyon konsepsyon ak libète* – FOKAL) - Open Society Foundation Haïti
- Quebec Bar Association



# Guatemala

## The 2010-2013 program at a glance



**Left:** Working meeting between LWBC's representatives and leaders of the Association of Families of the Disappeared of Guatemala (FAMDEGUA) in Ciudad Guatemala..

**Right:** Counsel for the prosecution and victims' families in the Rios Montt Trial.

**Right page:** Evidence extract in the Military Journal's case, led by Myrna Mack Foundation with the support of LWBC.

## Main activities and achievements for 2012-13

- LWBC programs allow the lawyers for the Human Rights Law Office (BDH) to devote their time to the defense of vulnerable groups free of charge. This organisation has achieved historic victories in the courts both nationally and through the Inter-American human rights system.
- Inauguration of new offices for the Rabinal People's Law Office (ABJPR), ensuring the autonomy and the sustainability of this regional office that provides free legal assistance to the most vulnerable;
- Establishment of a consultation room for the Historic Archives of the National Police (AHPN) and assistance in the systemisation and documentation of cases of serious human rights violations;
- Supporting the Unit for the Protection of Human Rights Defenders (UDEFEGUA) in emblematic cases involving the violation of human rights
- Publication of legal resources that constitute important tools for human rights defenders (including a practical guide and a comparative study on strategic litigation and a report on the case of the massacre of Las Dos Erres);
- Implementation of an internship and mentoring program for indigenous law students.



## Partners

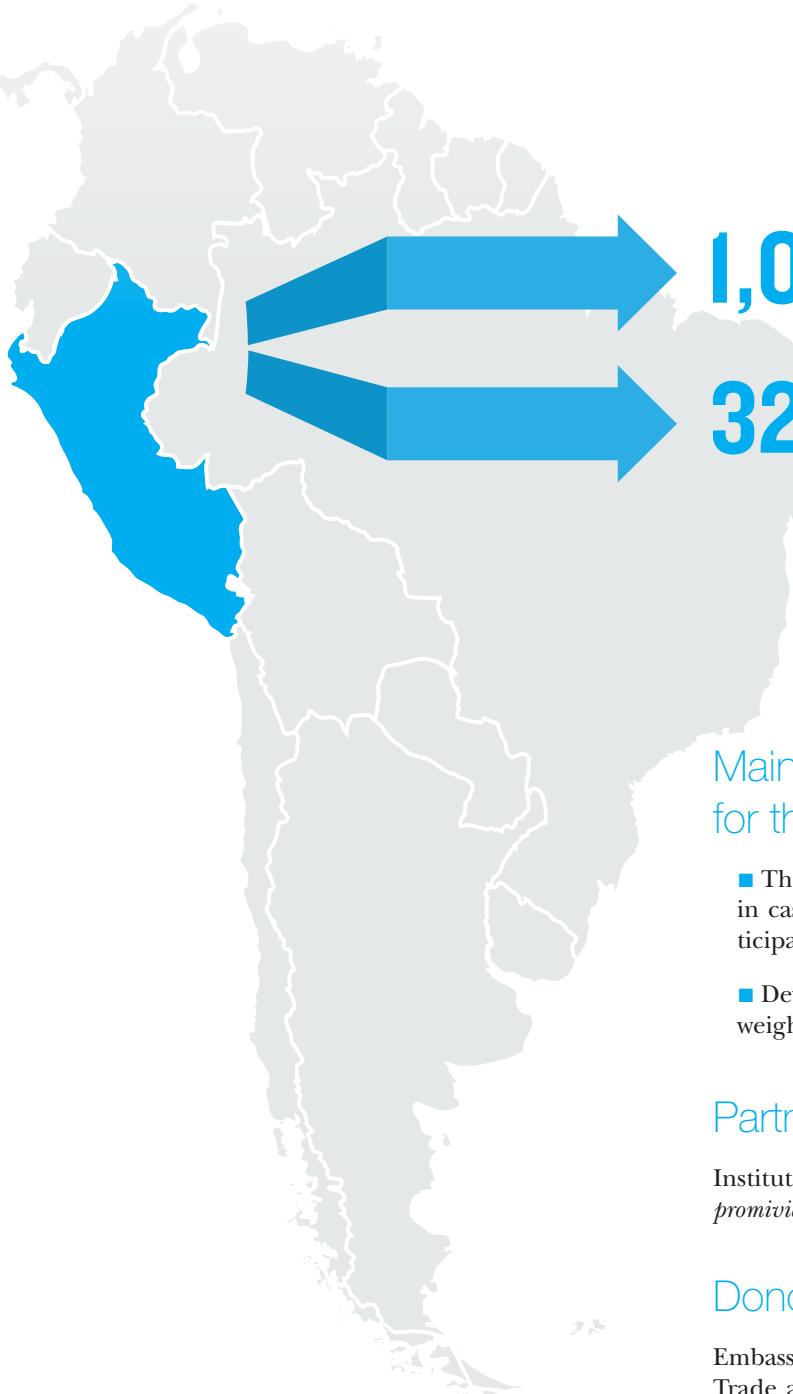
- Historical Archives of the National Police - *Archivo histórico de la policía nacional* - AHPN
- Rabinal People's Law Office - *Asociación Bufete jurídico popular de Rabinal* - ABJPR
- Association of Mayan Lawyers and Notaries of Guatemala - *Asociación de abogados y notarios mayas de Guatemala* - AANM
- Human Rights Law Office - *Bufete de derechos humanos de Guatemala* - BDH
- Center for Human Rights Legal Action — *Centro para la acción legal en derechos humanos* - CALDH
- Association of Family Members of the Detained and Disappeared of Guatemala - *Familiares de detenidos y desaparecidos de Guatemala* - FAMDEGUA
- Myrna Mack Foundation - *Fundación Myrna Mack* - FMM
- Human Rights Defenders Protection Unit - *Unidad de protección de defensoras y de defensores de derechos humanos* - UDEFEGUA
- Ombudsman - *Procuraduría de derechos humanos de Guatemala* - PDH

## Donors

- Department of Foreign Affairs, Trade and Development Canada (DFATD) – Global Peace and Security Fund of the Stabilization and Reconstruction Task Force (START)
- Department of Foreign Affairs, Trade and Development Canada (DFATD) - International Youth Internship Program (IYIP)
- Department of Foreign Affairs of Norway
- Swiss Confederation - Embassy of Switzerland in Guatemala

# Peru

The 2012-2013 project at a glance



**1,000** copies of a handbook on evidence in cases of sexual assault provided to justice stakeholders.

**320** justice stakeholders trained in the evaluation of evidence in cases of sexual violence.

## Main activities and achievements for the year 2012-13

- Three training workshops on the evaluation of evidence in cases of sexual aggression, in which over 75 judges participated;
- Development of jurisprudence which provides greater weight to the rights of victims of sexual assault.

## Partners

Institute for the Promotion of Social Development – *Instituto promoviendo desarrollo social* – IPRODES

## Donors

Embassy of Canada in Peru - Department of Foreign Affairs, Trade and Development Canada (DFATD) - Canadian Fund for Local Initiatives (CFLI)

# Public Engagements

- Exhibition of photographs and testimonies of seven Colombian human rights lawyers entitled “*Caminos de compromiso - destinées engagées*”
- Participation in the 8<sup>th</sup> edition of the “Carrefour de la coopération” of Managers Without Borders;
- Presentation at the 4<sup>th</sup> National Conference on pro bono legal services organized by Pro Bono Québec;
- Presentation at the “Without Borders” conference organized by *Terre sans frontières* (Earth Without Borders);
- Organization of a `5-7` conference in partnership with the Quebec Association of International Cooperation (AQOCI) on the topic of child soldiers in Mali, as part of the World Day Against Child Labour;
- Presentation at the conference on the genocide in Guatemala organized by the Canadian Museum for Human Rights in Winnipeg;
- Presentation at the Justice Conference for Victims of Torture and Crimes Against Humanity: the case of Haiti, organized by the University of Montreal and the Canadian Centre for International Justice;

- Conferences, meetings and workshops organised by LWBC in Toronto, Ottawa, Montreal and Quebec for the tour of Colombian lawyer Alirio Uribe, president of the José Alvear Restrepo Lawyers Collective (CAJAR).

## LWBC Forum 2012

On 28 and 29 September 2012, more than 70 people participated in the 2012 LWBC Forum. These two days were an opportunity for participants to deepen their knowledge, and to meet and exchange ideas with colleagues and experts in the fields of human rights and international law.. These two days included training and lectures from distinguished experts on human rights and economic activity, post-disaster justice in Haiti, the pursuit of dictators and other senior officials for serious human rights violations, and the protection of human rights defenders.

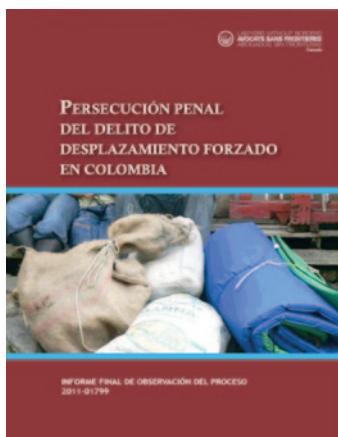


**Top left:** Training session participants, “Human Rights and Economic Activity: New Challenges for Multinational Companies, Governments and Local Communities”, 2012 LWBC Forum in Québec.

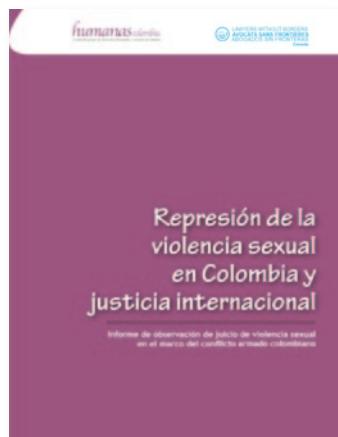
**Bottom left:** Workshop on child soldiers in Mali, Québec.

**Right:** Photo exhibition *Caminos de compromiso – Destinées engagées*.

# LWBC Publications 2012 – 2013



- Criminal Prosecution for Crimes of Forced Displacement in Colombia (Spanish)



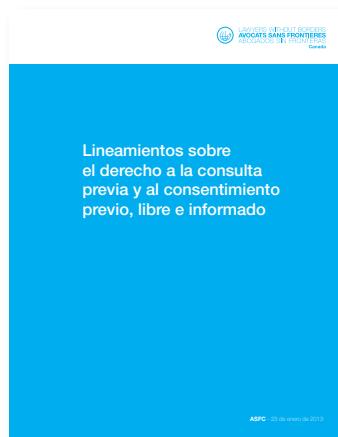
- The Prosecution and Punishment of Sexual Violence in Colombia and International Justice (Spanish)



- Knowing the International Criminal Court: A Practical Guide for Workshops (Spanish)



- Guide to Strategic Litigation of Serious Human Rights Violations Committed during the Internal Armed Conflict in Guatemala, with a Focus on Criminal Justice Responses (Spanish)



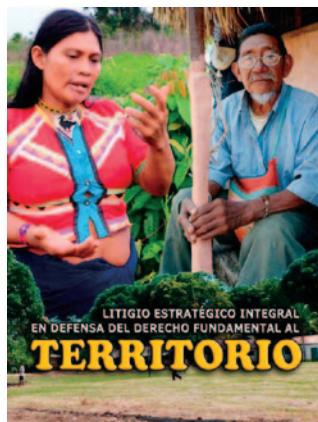
- Guidelines on the Right to Prior Consultation and to Free, Prior and Informed Consent (Spanish)



- From "Legal warfare" to Peace without Justice? Access to Justice and Legal Representation for Victims of Serious Human Rights Violations in Colombia (French and English)



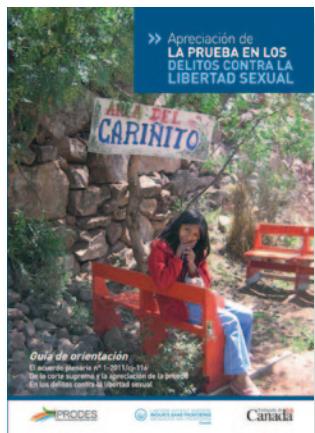
- Proceedings of the International Seminar on Strategic Litigation of Human Rights (Spanish)



- Comprehensive Strategic Litigation in Defense of the Fundamental Right to the Territory in Colombia (Spanish)



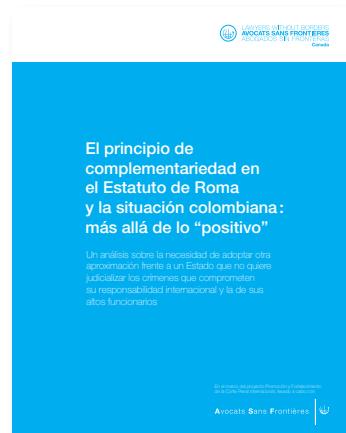
- Legal Analysis of Act 2 of 2012 on Enhancing Military Criminal Justice in Colombia (Spanish)



- Assessment of the Evidence in Offences against the right to sexual freedom in Peru – Guide (Spanish)



- Reflections Regarding the Las Dos Erres Massacre Cases in Guatemala (English and Spanish)



- The Principle of Complementarity in the Rome Statute and the Colombian Situation: A Case that Demands More than a “Positive” Approach (English and Spanish)

# LWBC TEAM

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Lawyer, Paradis Lemieux Francis

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**Catherine Côté**

Program Officer

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**Marie-Noëlle  
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Program Officer

**Philippe Tremblay**

Legal Director

**Genevieve Villeneuve-Patry\***

Head of Communications  
and Fundraising

\*For part of the year 2012-13



## Teams in the Field

### Colombia

**Carlota Valverde**  
Head of Mission

**Victoria Larroche**  
Counsel

**Josefina Peña**  
Administrator

**Andrés Felipe Peña Bernal**  
Trainee

**Camilo Alberto Rodríguez Ardila**  
Trainee

### Guatemala

**Julie Dubé Gagnon**  
Head of Mission

**Astrid Garcia**  
Assistant coordination

**Melva Mendoza**  
Trainee

**Carlos de Paz**  
Trainee

**Sandra Xulu**  
trainee

### Haiti

**Melinda Madueno**  
Head of Mission

**Pauline Lecarpentier**  
Coordinator

**Patrice Florvilus**  
Legal Aid and Support

**Carmelle Dieudonné**  
Administrative Assistant

**Marnelle Laramé**  
Assistant to the Head of Mission

**Curie Alexander**  
Logistician

**Mario Chéry**  
Lawyer

**Réginald Jean Cadet**  
Lawyer

**Jean Robenson Chéry**  
Responder

**Marie Shella Edmaël**  
Lawyer

**Jems Gedeon**  
Lawyer

**Millids Guichard Jean**  
Responder

**Richardson Junior Joseph**  
Responder

**Ronald Joseph**  
Lawyer

**Genel Pierre**  
Lawyer

**Rene Williamson**  
Lawyer

**Agéna Rony**  
Lawyer



**Left:** LWBC's Colombia and Guatemala Heads of Mission with an International Volunteer.

**Middle:** LWBC's Administrative Assistant in the office of Port-au-Prince.

**Right:** Members of the Haitian team working at the LWBC's Justice Center in the Champ de Mars, Port-au-Prince.

## Interns - Headquarters

Laetitia Barrile  
Diya Bouchedid  
Caroline Brodeur  
Moussa Diakité<sup>1</sup>  
Chadi Koussoubé  
Andrée-Anne Laurin  
Élise Paiement  
Elisabeth Pelletier  
Marie-Noëlle Routhier-Beaulé  
David Sauvageau  
Julien Tremblay

## Volunteers

Voluntary cooperation is an integral part of all LWBC programs. Volunteers who contributed to LWBC's work with overseas partners hailed from a wide variety of places, including not only Quebec and Canada, but also the United States, Belgium, France, Italy, Switzerland and Peru.

The missions of these volunteers were carried out in partnership with the Department of Foreign Affairs, Trade and Development Canada (Global Peace and Security Fund of the Stabilization and Reconstruction Task Force and the International Youth Internship Program), the Norwegian Embassy in Guatemala and Canadian Lawyers Abroad.

Sophie Beaudoin  
Alexandra Billet  
Brendan Brock  
Christopher Campbell-Duruflé  
Luc Côté  
Jamie Crawford  
Elyse Desjardins  
Caroline Dufour  
Maya Fernandez  
Leah Gardner  
Charlotte Ivern  
Rhéa Kneifati  
Marie-Claude Lacroix

Fannie Lafontaine  
Léa Lemay-Langlois  
Marie-Michèle Longchamps  
Andrea Martalò  
Catherine Ménard  
Elisabeth Patterson  
William Ramirez  
Léa Réus  
Kathrin Ruegg  
Patricia Vargas  
Dominic Voisard  
Vanessa Willems



**Left:** International Volunteers with the Assistant Coordinator of the office of LWBC in Ciudad Guatemala.

**Right:** A lawyer from LWBC's main partner in Guatemala and a Guatemalan Intern with International Volunteers.



# Volunteers

LWBC was founded on the principle of volunteer commitment, which today remains a cornerstone of the organization. Thank you to our volunteers!

Alexie Amyotte	Farouk El-Hosseny	Manon Lapointe	Tharinda Puth
Josée Amyotte	Geraldine Emile	Annie Laprade	Sébastien Pyzik
Mélissa Arango	Marie-Claire Émond	Robert Laroche	Ann Quigley
Stephane Arcelin	Catherine Fagan	Doris Larivée	Daira Elsa Quiñones Preciado
Dora Lucy Arias	Cleveland Fairchild	Edouard Latortue	Francisco Reina
Normand Auclair	Nathan Fong	Gabrielle Lavoie Lévesque	Dominique Rheault
Jean-Pierre Augustin	Julie Fortier	Martine Lavoie	Nicolas Rhône
Stéphanie Bachand	Josiane Fortin	Normand Lavoie	Josiane Rioux Collin
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Louise Bédard	Eleonore Gauthier	Frédéric Maheux	Sébastien Rochette
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Adib Bencherif	Fawzia Gibson-Fall	Sarah Marinier-Doucet	Jean-François Routhier
Mariana Bermúdez Astudillo	Robyn Gifford	Fédora Mathieu	Dominic Roux
Marie-Pier Bertrand	Andréane Giguère	Joëlle Matte	Dominique-Anne Roy
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Victor Bérubé	Maureen Gillis	Marie-Louise Mandy	Yvon Roy
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Steeves Bujold	Jonathan Grenier	André Muneza	Yannick Savard
Judy Caldas	Marie-Pierre Grenier	Gadi Ndhumba	Sam Simard
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Oscar Carrupia	Sofia Guedez	Jerry Nguyen	Ailbhan Skinner
Nicole Charron	Chantale Guérin	Sebastian Nishimoto	Bertrand St-Arnaud
Joanne Chriqui	Lise Harvey	Arlette Nkurayija	Stéphanie St-Jean
Stéphanie Clavaz-Loranger	Samuel Harvey	Gail Norah Dorgine	William St-Michel
Jean-François Clément	Stephane Harvey	Carolyne Paquin	Sophie Strickland
Jean-Sébastien Clément	Jorge Hernán Palacio Salzar	Pierre-André Paradis	Erick Sullivan
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Maude Côté	Harley James Young	Marie-Claude Picard	Véronique Talbot
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Emily Dwyer	Raphaëlle Lapierre Houssian	Marie-Ève Préfontaine	Tania Walker

## University Support Groups

### Sophine Johnsson

University Network Coordinator

### Gabrielle Lavoie Lévesque

President of the University of Sherbrooke

### Mathilde Rochefort

President of the University of Montreal

### Gabrielle Saint-Martin Deaudelin

President of the University Laval

Over the past year, LWBC benefited from the contributions of three university groups, each associated with a different faculty of law: Laval University, University of Montreal and University of Sherbrooke. These groups were responsible for a range of activities expanding LWBC's outreach and contributing to the awareness of human rights issues within the legal community.

This year, the three university groups jointly organized a common event: an exhibition of photographs and testimonies entitled *Caminos de compromiso* illustrating the dangers faced by human rights defenders in Colombia.

## Clinics and University Programs

LWBC is proud to count on the active contribution of the International, Criminal and Humanitarian Law Clinic (*Clinique de droit international pénal et humanitaire* - CDIPH), from the Faculty of Law, Laval University, which allows LWBC to benefit each year from the collaboration of ten students, each investing up to 200 hours of work on behalf of LWBC. These students produce memorandums and reports which make a direct contribution to the representation of vulnerable groups in the field. The clinic also provides young lawyers the opportunity to develop their abilities and familiarize themselves with the operations of a non-profit organization in the field of international cooperation.

### Geneviève Binette



UNIVERSITÉ  
LAVAL

Faculté de droit

Clinique de droit international pénal et humanitaire (CDIPH)

### Diana Patricia Carvajal Figueroa

### Leea Craig

### Marie-Josée Harvey

### Marie-Camille Soucy-Giguère

### Isabelle Côté

### Maria Belén Gallardo Rivas

LWBC also continues its collaboration with the International Human Rights Program of the University of Toronto's Faculty of Law and the International Advocacy Clinic (*Clinique internationale de défense des droits humains* - CIDDHU) at the University of Quebec in Montreal



# Financial Information

## Audited Financial Statements

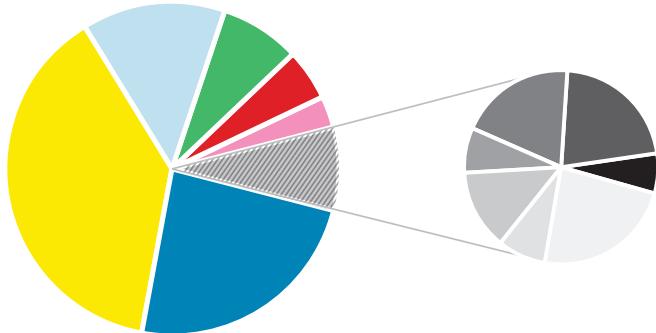
### Results and Balance Sheet

Fiscal year from 1 July 2012 to 30 June 2013.

The financial statements of LWBC are audited by Ramond Chabot Grant Thornton.

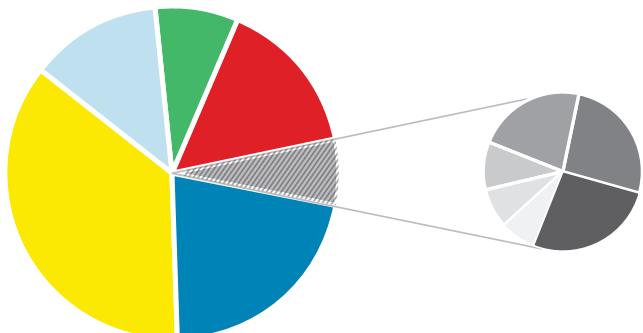
RESULTS	2013	2012	BALANCE SHEET	2013	2012
<strong>REVENUE</strong>			<strong>ASSETS</strong>		
Public contributions	\$4,254	\$4,125	SHORT TERM		
Member Contributions	\$79,214	\$45,627	Cash	\$363,051	\$500,093
Training activities	\$9,555	\$3,205	Customer accounts and other receivables	\$30,500	\$850,867
Fundraising events	\$131,690	\$112,500	Prepaid expenses	\$37,548	\$11,159
Contributions from donors for programs	\$2,415,084	\$2,659,438			
Amortization of deferred contributions related to capital assets	3 960 \$	5 658 \$			
<strong>TOTAL REVENUE</strong>	<strong>\$2,643,757</strong>	<strong>\$2,830,553</strong>			
<strong>EXPENSES</strong>			LONG TERM		
Programs	\$2,275,609	\$2,488,807	Tangibles	\$23,907	\$33,142
Other projects and activities, administration and services	\$407,630	\$270,290			
<strong>TOTAL EXPENSES</strong>	<strong>\$2,683,239</strong>	<strong>\$2,759,097</strong>	<strong>TOTAL</strong>	<strong>\$455,006</strong>	<strong>\$1,395,261</strong>
<strong>Excess (deficiency) of revenues over expenses</strong>			<strong>LIABILITIES</strong>		
	(\$39,482)	\$71,456	SHORT TERM		
Unrestricted net assets at beginning of period	\$373,308	\$301,852	Accounts payable and other operating liabilities	\$60,232	\$94,442
<strong>UNRESTRICTED NET ASSETS AT END OF PERIOD</strong>	<strong>\$333,826</strong>	<strong>\$373,308</strong>	Deferred contributions	\$55,141	\$923,724
			Members deferred contributions	-	-
			LONG TERM		
			Deferred contributions related to capital assets	\$5,807	\$3,787
			<strong>UNRESTRICTED NET ASSETS</strong>		
			<strong>TOTAL</strong>	<strong>\$455,006</strong>	<strong>\$1,395,261</strong>

## Sources of Funding



■ MAECI (Colombia)	\$632,448	% 23.9
■ MAECI (Guatemala)	\$1,013,730	% 38.3
■ MAECI (Haiti)	\$369,900	% 14.0
■ UECPI (Colombia)	\$204,606	% 7.7
■ Fundraising events	\$131,690	% 5.0
■ Members	\$83,468	% 3.2
■ FCIL Haiti	\$48,893	% 1.8
■ FCIL Peru	\$16,811	% 0.6
■ ACDI PSIJ (Guatemala and Colombia)	\$27,310	% 1.0
■ Embassy of Switzerland (Guatemala)	\$16,082	% 0.6
■ Embassy of norway (Guatemala)	\$40,485	% 1.5
■ FOKAL (Haiti)	\$44,819	% 1.7
■ Other	\$13,516	% 0.5

## Distribution of Funds



■ Colombia	\$580,256	% 21.6
■ Guatemala	\$965,729	% 36.0
■ Haiti	\$345,867	% 12.9
■ CPI	\$217,217	% 8.1
■ Other projects and activities, administration and services	\$407,630	% 15.2
■ FCIL Haiti	\$44,645	% 1.7
■ FCIL Peru	\$11,823	% 0.4
■ PSIJ	\$13,811	% 0.5
■ Embassy of Switzerland	\$16,082	% 0.6
■ Embassy of norway	\$36,804	% 1.4
■ FOKAL	\$43,375	% 1.6

# Benefit Show

On 25 April, Lawyers Without Borders Canada (LWBC) celebrated its 10<sup>th</sup> anniversary. More than 350 people, including notable members of the legal, business and political communities, were in attendance at the Théâtre Capitole in Quebec City for the fifth edition of the benefit concert that raised over \$150,000.

The Minister of Justice of Quebec, Bertrand St-Arnaud, was the honorary chairman of the event, which was sponsored by former Premiers of Quebec and Prime Ministers of Canada, all of them trained lawyers: Lucien Bouchard, Jean Charest, Daniel Johnson, Pierre-Marc Johnson, Bernard Landry and Brian Mulroney. Christian Goulet, Assistant Vice President of Public Sector and Quebec City Region at Bell Canada, acted as Chairman of the Honorary Committee.

Hosted by Gildor Roy, the show provided a variety of high quality entertainment, with judges, lawyers, and other members of the legal community displaying very moving and sometimes quite catchy performances!

Thank you to all the volunteers, donors and participants who contributed to its success!

**Lawyers Without Borders - Laval University (ASF-ULaval)** was also active in fundraising for LWBC! On the 28<sup>th</sup> of March 2013, ASF-ULaval hosted the sixth edition of its wine and cheese night.

The event was a resounding success, attended by over 200 guests and raising \$5,260 for LWBC.



**Top left:** M<sup>e</sup> Lisa Bérubé and M<sup>e</sup> Étienne Morency interpreting "Rock'n Roll" by Led Zeppelin.

**Top right:** The honored guests sing "Quand les hommes vivront d'amour" by Raymond Lévesque at the invitation of the Minister of Justice of Quebec Bertrand St-Arnaud on piano.

**Bottom:** Several personalities from the legal community, the business world and the political circles were present on 25 April 2013 to mark the 10<sup>th</sup> anniversary of LWBC.

# DONORS

## Institutional Partners – Programs

Ministry of Foreign Affairs, Trade and Development Canada



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Development Canada

Union européenne



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Schweizerische Eidgenossenschaft  
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Confederazione Svizzera  
Confederaziun svizra

Canadian Embassy in Peru

Emabajada de  
**Canada**

Ministry of Foreign Affairs of Norway



Canadian Embassy in Haïti

Activity supported by the  
Canada Fund for Local Initiatives  
Activité réalisée avec l'appui du  
Fonds canadien d'initiatives locales

| **Canada**

Fondation connaissance et liberté - Haïti

Fondasyon konesans ak libète  
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Fondation connaissance & liberté

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## Partners Without Borders (\$25,000 and more)

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## Sponsors (\$5,000 and more)

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Barreau de Montréal

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Borden Ladner Gervais

Cabinet du maire de Québec

Cain Lamarre Casgrain Wells

Centrale des syndicats du Québec (CSQ)

Centre d'accès à l'information juridique  
(CAIJ)

Davies Ward Phillips & Vineberg

Heenan Blaikie Aubut

iXmédia

Jolicoeur Lacasse avocats

Langlois Kronström Desjardins

Le Capitole de Québec

Létourneau Gagné avocats

Le Soleil

Ontario Secondary School Teachers'

Federation

Société québécoise d'information juridique  
(SOQUIJ)

Tremblay Bois Mignault Lemay

Geneviève Delmas Patterson

L'Honorable Claire L'Heureux-Dubé

Paul-Mathieu Nicolaï

Gildor Roy

Claude Tremblay

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Bélanger Longtin avocats

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Caisse d'économie solidaire Desjardins

Centre d'étude et de coopération internationale

Custom House ULC

Jewitt McLuckie & Associates

Location Morissette

Melançon Marceau Grenier & Sciortino avocats

Raymond Chabot Grant Thornton

Société conseil groupe LGS

Miguel Baz

Henri Brun

Madeleine Lemieux

Elisabeth Patterson

Pascal Paradis

L'Honorable France Thibault



# LWB Canada

**Avocats sans frontières Canada**

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T: 1.418.907.2607 • F: 418.948.2241 • [info@asfcana.ca](mailto:info@asfcana.ca) • [www.asfcana.ca](http://www.asfcana.ca)