

LIBERTAS

Award Laureate Sima Samar named to Afghan government

Dr. Sima Samar of Afghanistan, the 2001 John Humphrey Freedom Award laureate, was appointed Deputy Prime Minister and Minister of Women's Affairs in Afghanistan's interim government, as she travelled across Canada on the John Humphrey speaking tour.

Dr. Samar was awoken at 4:30 a.m. by her son, who telephoned her hotel room in Victoria, British Columbia, with the unexpected news.

"It's a very positive thing that women have a role in this interim government; it will be no easy task but at the same time it is not difficult to see and identify the great needs facing women in Afghanistan," was Dr. Samar's reaction.

In a statement, Dr. Samar acknowledged the enormity of the task before her in a country where there is little left but rubble: "We will need a great deal of support and solidarity from women all over the world because the needs of Afghan women are so great. I hope that the women of Afghanistan will accept me in this new role as worthy of representing their needs and interests; it is a task I have not been elected to do. I hope I will be able to live up to their expectations and be able to deal with at least some of their wounds."

The international jury of the John Humphrey Freedom Award selected Dr. Samar last summer in recognition of her outstanding work to promote the rights of Afghan women and girls. Through her organization Shuhada, Dr. Samar runs four hospitals and 10 clinics in

Afghanistan and a further hospital in Quetta, Pakistan. Her schools in rural Afghanistan are attended by more than 20,000 students; and more than 1,000 others attend her school in Quetta.

Throughout her speaking tour in Canada, Dr. Samar was greeted with intense media interest, packed lecture halls, generous donations, and many offers of long-term support for Shuhada. While in Ottawa, for the first time ever, the John Humphrey laureate met with Prime Minister Jean Chrétien, as well as with a group of women MPs who have promised long-term support for Dr. Samar's work. In Montreal, Dr. Samar met Quebec's Minister of State for Women's Affairs. The Government of Quebec also pledged future financial support for women in Afghanistan.

Dr. Samar stressed that following her 20 years of work to promote the rights of Afghan women, for which she received the John Humphrey Freedom Award, her first priority as Minister will be to educate the women and men, girls and boys of Afghanistan. "Education is the only way forward for Afghanistan," Dr. Samar said. "We must start educating the people right away—classes can be held under trees while the classrooms are being rebuilt."



(Photo: Prime Minister's Office)

Dr. Samar meets Canadian Prime Minister Jean Chrétien in Ottawa.

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Rights & Democracy

International Centre for Human Rights
and Democratic Development

Rights & Democracy (International Centre for Human Rights and Democratic Development) is a Canadian institution with an international mandate. It is an independent organization, which promotes, advocates and defends the democratic and human rights set out in the *International Bill of Human Rights*. In cooperation with civil society and governments in Canada and abroad, Rights & Democracy initiates and supports programmes to strengthen laws and democratic institutions, principally in developing countries.

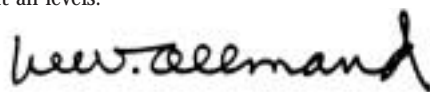
Best Wishes for the New Year

I would like to take this opportunity to wish you all a very happy new year. As we begin 2002, the challenges facing human rights are greater than ever. The need to protect and promote human rights is increasingly apparent and all of us around the globe have a responsibility to continue the struggle.

While the horrific attacks of September 11 on innocent civilians in the US required a strong governmental response, some of the counter-terrorist measures adopted have put our basic human rights at risk and have created a backlash against human rights defenders around the world. The recent crackdown on terrorists has given some rogue governments the pretence to

target human rights defenders. The need to protect them has become critical.

Recent events have also confirmed the need for a strong system of international criminal justice. We must work to ensure that States not only sign but also ratify the statute of the International Criminal Court and that the international community ensure the full participation of women in peacebuilding and decision making at all levels.



Warren Allmand, President
Rights & Democracy

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Dr. Sima Samar (centre) with the President Warren Allmand and the Chairperson of the Board Kathleen Mahoney at the John Humphrey Freedom Award ceremony held in Montreal, on December 10th, International Human Rights Day. With the help of Women for Women in Afghanistan (W4WA) chapters across the country, the Rights & Democracy Award tour raised over \$100,000 for Dr. Samar's Shuhada organization, in addition to the \$25,000 prize money.

How YOU Can Support Dr. Samar's Schools and Clinics

Dr. Sima Samar runs Shuhada, an organization based in the small border town of Quetta in Pakistan. Its name in the Dari language means martyrs, in recognition of the sacrifices made by thousands of lives during the conflict in Afghanistan. Established in 1989, it provides much-needed medical assistance and education for Afghan women and children. For more information about the schools and clinics of Shuhada, please visit www.shuhada.org.

Tax receipts for donations over \$25.00 will be issued by Rights & Democracy and all funds collected will be forwarded to the Shuhada organization. Here is the procedure:

- All cheques for donations made payable to Rights & Democracy;
- Write: for W4WA-Samar on memo line;
- Mail all cheques to Calgary W4WA, Bankview, PO Box 32014, Calgary, AB, T2T 5X6. Tel.: (403) 228-4622.

Annual Report

The annual report of Rights & Democracy's activities for the fiscal year 2000-2001 was tabled in Canada's House of Commons in October and is available in English and French free of charge from publications@ichrdd.ca. The report is also available at www.ichrdd.ca.

New Board Member

Rights & Democracy is pleased to welcome John Fryer to its Board of Directors. Mr. Fryer is currently Chair of the Advisory Committee on Labour Management Relations and Visiting Professor of Public Administration at the University of Victoria. A member of the Order of Canada, Mr. Fryer has also been President of the National Union of Public and General Employees.

It is with regret that the Chairperson of the Board of Directors, Ms. Kathleen Mahoney, accepted the resignation in December of Father Michel Corbeil, vice-chairperson and member of the Board. Health problems have forced Father Corbeil to reduce his workload. Mr. Allmand praised his work with Rights & Democracy, noting in particular his active participation in the Urgent Action Committee and his expertise in the field of international development.

Kathleen Mahoney honoured

Kathleen Mahoney from Calgary, Alberta was honoured this year for her contribution to equality for women with the presentation of the Governor General's Award in Commemoration of the Persons Case. Kathleen Mahoney, whose pro bono legal work was internationally recognized in her argument that systematic rape is a form of genocide in the case of Serbian war actions, received the Award in October at Rideau Hall in Ottawa.

Coalition for Women's Human Rights in Conflict Situations: Monitoring Gender-Related Crimes at the International Criminal Tribunal for Rwanda (ICTR)

In October and November 2000, evidence of rape and other sexual violence was brought in the case of the Prosecutor vs. Bagambiki et al. following testimonies of two prosecution witnesses: LBI and LAM. Despite this evidence, the indictment in the case did not include charges of rape or sexual violence.

In February 2001, the Coalition requested leave from the ICTR to file an *amicus curiae* brief inviting the prosecutor to consider amending the indictment by adding charges of rape and sexual violence. Counsel for the Defence opposed this motion. However, after receiving the brief, the prosecution announced that they would add charges of sexual violence to the indictment.

Election of Judges

At the first round of the election of judges for the ICTR and the ICTY (International Criminal Tribunal for the former Yugoslavia), only one woman was nominated and elected as a judge. The Coalition then took action so that more women would be elected in the second round. Following this action, the ICTY elected eight temporary women judges.

Rape as Torture

The University of Toronto Working Group prepared a memo on rape as torture to be sent to the Rwandan Minister of Justice. That memo was not finalized but was useful in preparing the Cyan-gu *amicus curiae* brief.

At the 2001 Coalition Coordination Meeting, partners agreed on activities and strategies to be carried out in 2001-02, as well as in the long term. The Coalition activities include continued monitoring of prosecutions at the ICTR, research on the issue of compensation and witness protection as well as continued lobbying of the ICTR to include a gender perspective in all aspects of its work. Further, the Coalition decided to explore working relationships with women's NGOs in Sierra Leone in order to collaborate on international justice initiatives related to the situation of women's rights in Sierra Leone and the future United Nations Tribunal. As for the long term, the Coalition discussed the coordination of a sub-regional meeting involving women's groups from the Great Lakes region focusing on issues related to women's rights in conflict situations.

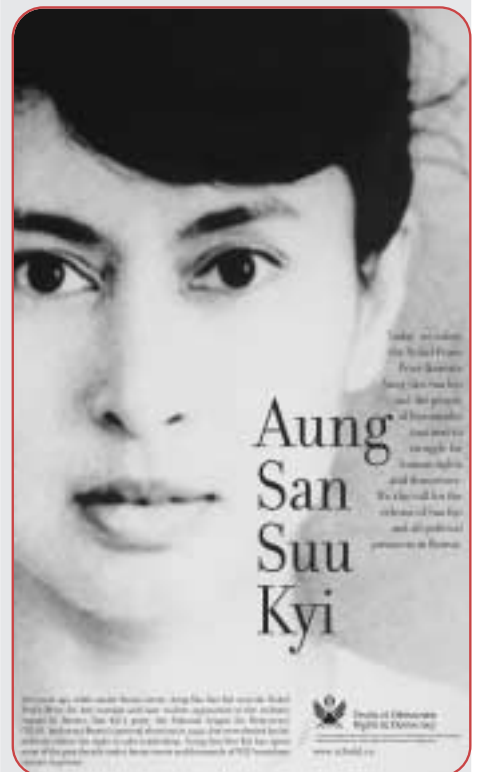
Tokyo Tribunal Delivers Judgement

The Women's International War Crimes Tribunal of Tokyo was established as a result of the historical failure of states to take responsibility and ensure justice for the more than 200,000 comfort women who were enslaved by the Japanese imperial soldiers during the Second World War. In rendering its historic judgement on December 3 and 4, 2001, in The Hague, in the Netherlands, the Tokyo Tribunal—while not legally binding—has demonstrated that the institutionalization of sexual slavery of girls and women was an integral part of the Japanese military campaigns. This ruling signals the end of more than 55 years of silence and is another step towards ending impunity and

ensuring that citizens understand law to be an instrument of civil society. Among the recommendations, the judgement calls on Japan to prosecute, apologize and provide reparations for the crimes committed against comfort women.

It also calls on the Allied Nations to acknowledge their failures to investigate and prosecute these crimes during the post war trials. Rights & Democracy's Women's Rights Programme Coordinator, Ariane Brunet, participated in the two-day conference and met with activists to develop advocacy strategies to ensure that Japan recognizes its legal responsibilities for these crimes against humanity. Board member Willy Munyoki Mutunga of Kenya was one of the Tribunal judges.

Rights & Democracy Supports Aung San Suu Kyi of Burma



On December 8, Rights & Democracy took out an ad in the Canadian newspaper *Globe and Mail* to call for the release of Aung San Suu Kyi, who remains under house arrest on the 10th anniversary of her being awarded the Nobel Peace Prize. Supporters around the world joined in celebrating this anniversary and calling for the release of Suu Kyi and all political prisoners in Burma. For more information on the Nobel Peace Laureates' Campaign and human rights in Burma, please visit www.burmapeacecampaign.org.

WTO mocks civil society consultation and transparency in Doha

Rights & Democracy was one of many organizations to cancel its anticipated participation at the Fourth Ministerial Conference of the WTO (World Trade Organization), held in Qatar from November 9-14, due primarily to security concerns and severe restrictions on NGO participation.

Rights & Democracy did, however, monitor the conference and successive drafts of key documents. For the most part, civil society organizations interested in human rights left the conference profoundly disappointed. Despite a relatively positive declaration on TRIPS (Agreement on Trade Related Intellectual Property Rights) and public health—which gives more scope to countries wanting to manufacture generic drugs in times of health crises—the ambitious trade agenda adopted by the 142 Ministers will further stretch the limited resources of develop-

ing countries and the human rights groups monitoring international trade negotiations. A letter outlining Rights & Democracy's concerns for the Doha meeting was sent to Canadian International Trade Minister Pierre Pettigrew (visit www.ichrdd.ca) and a longer report on Doha will be forthcoming in the electronic *Libert@s*.

In the lead-up to Doha, Rights & Democracy also released a new publication entitled *Unequal Harvest: Farmers' Voices on International Trade and the Right to Food*, by Lauren Posner. This 25-page booklet provides a critical overview of the WTO Agreement on Agriculture and highlights interviews with farmers, from several different countries, who explain the impact of trade liberalization on their lives. The study focuses primarily on the right to food and includes a preface by Jean Ziegler, UN Special Rapporteur on the Right to Food. *Unequal Harvest* is designed to help people



better understand some of the issues at stake for farmers in ongoing agricultural talks at the WTO. Copies (in English and French) are available free of charge from publications@ichrdd.ca.



On Nov. 6, Rights & Democracy hosted a news conference in **Montreal** to support the launch of a report by Human Rights Internet on human rights defenders in **Tunisia**. Mrs. Khedija Chérif, a well-known human rights activist and founding member of the Conseil national pour les libertés en Tunisie (National Council for Freedoms in Tunisia), testified to the violence, harassment and threats in her country. The Coordinator for the Rights of Indigenous Peoples Programme, Marie Léger, travelled in early November to **Costa Rica** to meet with representatives of the Inter-American Institute on Human Rights, to **Panama** to meet partner groups involved in the issue of protecting intellectual property of indigenous peoples and to **Mexico** to attend the annual meeting of

the Continental Network of Indigenous Women. The President Warren Allmand testified before the House of Commons Standing Committee on Justice and Human Rights in **Ottawa** on Nov. 8 to explain his opposition to many proposals contained in Bill C-36, a wide-ranging bill to combat terrorism which came into force in December. In mid-November, **Asia** Regional Officer Micheline Lévesque travelled to **New Delhi** to attend a meeting of the South Asian Human Rights Organization. From Nov. 15 to 25, Madeleine Desnoyers, Regional Officer for the **Americas**, travelled to **Guatemala** and **Mexico** to meet with partners and attended a two-day regional meeting to discuss Plan Puebla Panama in **Quetzaltenango**. From Dec. 1 to 15, Assistant Coordinator of the Rights of Indigenous Peoples Programme Marie St-Louis travelled to **Nicaragua** to meet with the Enlace Continental de Mujeres Indígenas and discussed

specialized training for indigenous women with Mryna Cunningham and the Urraccan University. On Dec. 5, Mr. Allmand was the keynote speaker at the Rotary Club in **Montreal** where he discussed the threats to human rights in the context of the fight against terrorism. Diana Bronson, Coordinator of the Globalization and Human Rights Programme, participated in a two-day consultation of Canadian groups working on gender and trade, organized by the Maquila Solidarity Network and the North-South Institute on Dec. 7 to 9 in **Ottawa**. An informal network of Canadian organizations interested in these issues was formed to bring a feminist voice and vision to trade-related research, advocacy and organizing. From Dec. 5 to 13, the Coordinator of the Democratic Development Programme, Nancy Thede, attended the Electoral Institute Conference on Democratic Culture in **Mexico**.

Libertas is the quarterly newsletter of Rights & Democracy. It is available free of charge and is accessible electronically at www.ichrdd.ca. Articles may be freely excerpted, provided credit is given and a copy of the publication in which the material appears is sent to Rights & Democracy. Legal Deposit, 1st quarter 2002. ISSN 1027-0884.

Rights & Democracy's Documentation Centre is open to the public. Call (514) 283-6073 for an appointment.

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