



McGill Centre for Human
Rights and Legal Pluralism
Centre sur les droits de la personne
et le pluralisme juridique de McGill



International Human Rights Internship Programme 2008 Report

Introduction

McGill University's Faculty of Law enjoys a rich tradition of human rights education and involvement. In 1992, the Faculty established a number of partnerships with non-governmental organizations (NGOs) and institutions in the global South and in Canada and the United States. In 2000, the internship programme became a fully credited course with formal requirements, thus allowing students to earn six credits toward the completion of the McGill B.C.L./LL.B Programme. The International Human Rights Internships Programme is administered by the Centre for Human Rights and Legal Pluralism.

The International Human Rights Internship Programme carefully selects law students for placements as interns with NGOs and tribunals for a period of 12 weeks, with a view to providing students with an opportunity to experience and contribute to the work of human rights organizations in Canada and beyond. Partner organizations provide students with practical work experience in human rights investigation, monitoring, and reporting.

Upon their return to McGill, students are required to submit an internship report describing their work and experiences. Student also must write an academic research essay supervised by a professor, on a theme linked to their summer internship.

Around the World With the Student Interns

The broad range of opportunities that this programme offers is clearly represented through the experiences of the twelve students who were selected to participate during the summer of 2008. Each student reported a rich and educational experience. Here's what they had to say.

INTERN:	SOPHIE TREMBLAY
PLACEMENT:	CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS (LICADHO)
LOCATION:	PHNOM PENH, CAMBODIA
FACULTY SUPERVISOR:	JANE M. GLENN
RESEARCH PAPER:	IMPROVING LAND TENURE SECURITY TO RESIST EVICTIONS AND INCREASE ACCESS TO LAND: TOWARDS GREATER PROTECTION OF THE RIGHT TO ADEQUATE HOUSING THROUGH COMMUNITY EMPOWERMENT

At LICADHO in Cambodia, Sophie worked mostly on a Prisons Report throughout the summer, but was also given regular *ad hoc* work, such as drafting partnership agreements for LICADHO and other groups or organizations, drafting and editing reports and designing educational material. She also had the chance to

do some field work and observation on various occasions. She visited prisons and communities facing eviction, went to the Khmer Rouge Tribunal, and monitored the national election of July 27th, 2008.

Sophie's work drew on her bilingual skills. Her major research and analysis project focused on the newly enacted Code of Criminal Procedure replacing the transitional UNTAC Law of 1991, to compare their respective protection of pre-trial rights and legal procedural guarantees. She was asked to design documents for LICADHO to use in its field work in the prisons and to help the legal team of the office when they had criminal cases to investigate. She also translated into English and explained the most relevant sections of the Code. LICADHO usually publishes one large thematic report on prisons issues every year, and the 2008 one will focus on prisoners' rights, the judicial system and access to legal representation in detention facilities. Sophie was involved in the preliminary stages of the report draft and ended up producing a 25-page long document on the Cambodian criminal procedure legal framework that combined analysis and critique of the current procedural mechanisms, and recommendations to address the gaps in the protection of detainees' rights. Sophie also took Khmer lessons while in Cambodia and mentions it is one of the things that made her most appreciate her time there.



Sophie working in Andong, on the outskirts of Phnom Penh, the relocation site of Sambok Chap community evicted in 2006.

INTERN:	ERIC BOSCHETTI
PLACEMENT:	CANADIAN HIV/AIDS LEGAL NETWORK
LOCATION:	TORONTO, CANADA
FACULTY SUPERVISOR:	ALANA KLEIN
RESEARCH PAPER:	"SIGNIFICANT RISK": SOLUTIONS TO THE UNCERTAINTY SURROUNDING THE CRIMINALIZATION OF HIV EXPOSURE AND TRANSMISSION IN CANADA

Eric Boschetti pursued work in Canada with the Canadian HIV/AIDS Legal Network. He felt that the Legal Network was an ideal place to work because of the balance between professionalism and comfort. Eric noted that his suggestions, critiques, and input were taken seriously and sought after. Many of his edits and draft provisions were included in the final drafts of documents for publication. Eric attended the Legal Network's annual general meeting in Ottawa.

Eric worked on three major projects. The first project was a UN sponsored project to develop model legislation on women's rights in the areas of domestic violence, rape and sexual assault, marriage and divorce law, and succession/inheritance law. The draft legislation was divided into four substantive modules and a section on procedural issues. Eric wrote research memos on several sections in two of the substantive modules and the procedural section. The second project was to research the criminalization of HIV exposure for an *amicus* brief for a British Columbia court of appeals. Most of the research was on what constituted "significant risk" of transmission. Lastly, Eric worked on litigation strategy and research for a case the Legal Network wants to bring against Correctional Services Canada for failing to provide needle exchanges in prisons for IV drug users. He noted that his knowledge of the French language and of the civil law tradition were assets.

In his past human rights work, Eric had only been exposed to person-to-person human rights advocacy. His work at the Legal Network introduced him to the macro, policy-side work that is done in human rights. Eric felt he learned to appreciate the importance and necessity of both types of human rights work. This insight has changed his understanding of the volunteer work he is currently doing and has done in the past.

INTERN:	MAX REED
PLACEMENT:	EQUITAS—INTERNATIONAL CENTER FOR HUMAN RIGHTS EDUCATION
LOCATION:	MONTREAL, CANADA
FACULTY SUPERVISOR:	COLLEEN SHEPPARD
RESEARCH PAPER:	PUBLIC OPINION AND THE CHARTER: THE POLITICS, POLLS, AND PRESS OF THE SAME-SEX MARRIAGE DECISION

While working with Equitas in Montreal, Max Reed was involved in a range of activities relating to the International Human Rights Training Programme (IH RTP). At the outset of the internship his primary role was to manage and update the IH RTP Documentation Centre that the participants have access to during the programme. His next major task was to update the 25-page guide to human rights related research on the internet, which was distributed as an aid to all of the participants. During the programme itself, his role was multifaceted. He was in charge of running and maintaining the documentation centre and offering research support to participants. Max enjoyed wandering in and out of the rooms during the seminars and listening to the various subjects. In July, his work was mostly focused on finalizing the transcripts of the plenary sessions. Max underlined that both the staff and participants were warm, friendly, outgoing and had fascinating stories to share. He concluded saying how their commitment to their work and the cause of human rights is nothing short of inspiring.

INTERN:	JAKE HIRSCH-ALLEN
PLACEMENT:	HUMAN RIGHTS WATCH
LOCATION:	NEW YORK CITY, UNITED STATES
FACULTY SUPERVISOR:	JF MORIN/ R. GOLD
RESEARCH PAPER:	A CUSTOMARY INTERNATIONAL RIGHT TO ISSUE COMPULSORY LICENSES: RECONCILING THE PRIVATE PROPRIETARY AND PUBLIC HUMAN RIGHTS TO INTELLECTUAL PROPERTY

At Human Rights Watch (HRW) in New York, Jake Hirsch-Allen worked in the International Justice Programme. HRW is dedicated to protecting the human rights of people around the world. It stands with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. According to Jake, one of the greatest parts of interning at HRW, and a tribute to the attentiveness of HRW's staff to their interns, are the opportunities to interact with senior representatives outside the organization. He also had the added benefit of working on international criminal justice during perhaps the most interesting summer in a decade for the field. For example, HRW was able to use the arrest of Serbian war criminal Karadzic to reinforce arguments for the indictment of Sudanese President Bashir by the International Criminal Court (ICC).

For the most part, Jake was assigned to work on the justice issues surrounding the conflict in the Darfur region of Sudan. Among the related projects he worked on were: lobbying for the inclusion of justice related language in the Terms of Reference for the June United Nations Security Council (UNSC) trip to Sudan; lobbying for a UNSC Resolution or Presidential Statement (PRST) on Sudanese obstruction of the ICC after the UNSC's referral to the Court of the Darfur Situation; examining possible new ICC indictees in response to leads from various organizations; research into the extensive media coverage of the Justice for Darfur campaign's activity and HRW's Justice Programme's activity; assisting in the drafting of arguments against a UNSC suspension of an ICC investigation in the interests of peace, under Article 16 of the Rome Statute; and drafting a report on the status of head of state immunity under international law and particularly on its application to the Bashir indictment. The remainder of his work fell into three areas: he attended and reported on discussions of the crime of aggression at the semi-annual meeting of the ICC's legislative body, the Assembly of State Parties (ASP) and at the meetings of the Coalition for the ICC surrounding the ASP; he assisted in the editing of HRW's comprehensive report on the first years of the ICC; he drafted a memo on the implications of Bangladesh's war of independence for peace and justice in response to calls for tribunals to try those most responsible for the massacres that occurred during the conflict.

In addition to finding interesting and educational work, Jake was able to take advantage of living in 7 Manhattan neighbourhoods over 12 weeks thanks to flexible hours and good friends, and thus, greatly enjoyed the varied experiences that can come from living in Manhattan. He highly recommends this internship for those who want to experience the Big City and international criminal law from the NGO perspective.

INTERN:	HANA BOYE
PLACEMENT:	INTER-AMERICAN COURT OF HUMAN RIGHTS
LOCATION:	SAN JOSÉ, COSTA RICA
FACULTY SUPERVISOR:	PROF. EVAN FOX-DECENT
RESEARCH PAPER:	"RATIONE TEMPORIS, FORCED DISAPPEARANCES AND PROTECTING HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM"

Hana Boye headed to Costa Rica to pursue work with the Inter-American Court of Human Rights ("IACHR"). Hana praised the work of her colleagues at the Court and thought the work environment was excellent. She noted how it was an experience she was truly satisfied with and how she was beginning to make meaningful contributions to the work of the Court as the scope of her work expanded. She stressed that the CHRLP's internship is an important way of promoting the Court and ensuring that more Canadians become aware of the Court's work, role and function.

Generally, interns' work at the Court consists of researching human rights issues, writing reports, analyzing international human rights jurisprudence, assisting with the process of contentious cases, advisory opinions, provisional measures and supervision of the compliance of the Court's judgments, providing logistical assistance during public hearings and developing legal arguments for specific cases. Hana stepped into the final stages of two cases, the *Saramaka Case* and the *Heliodoro Portugal Case*, both which were heard during the August sessions in Uruguay. While the former case was decided before she arrived at the Court, the State submitted a request for interpretation of the judgment. Hana's task was to synthesize the State's, the Commission's and the Representative's arguments and then to write the first draft of the interpretation. The *Heliodoro Portugal* case sought to clarify its jurisprudence on issues related to *ratione temporis*, as well as the concept of continuing violations and forced disappearances. Hana conducted in depth research on the concept of *ratione temporis* and continuing violations, based upon the jurisprudence set out by regional and international human rights courts and tribunals and the United Nation's Human Rights Committee. Additionally, she assisted with preparing and drafting portions of the Reparations section of the judgment and verifying documents submitted by the parties.

While in Costa Rica, Hana also wanted to broaden her understanding of the contours of the challenges that indigenous people face in Costa Rica. She therefore took the initiative to meet with indigenous leaders and a judge working on indigenous property issues and to visit and stay with an indigenous community located on the Costa Rican-Panamanian border.

INTERN:	MARIE-ANDRÉE LAROUCHE
PLACEMENT:	INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
LOCATION:	ARUSHA, TANZANIA
FACULTY SUPERVISOR:	FRÉDÉRIC MÉGRET
RESEARCH PAPER:	DU BAS VERS LE HAUT OU VICE VERSA : ANALYSE COMPARATIVE DU TRANSFERT D'UNE AFFAIRE EN DROIT PÉNAL INTERNATIONAL

At the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, Marie-Andrée Larouche interned with the Appeals and Legal Advisory Division of the Office of the Prosecutor. She worked closely with the team of lawyers and counsel in charge of the case *Gouvernement II* and noted that she felt welcome to share her opinions and reflections with the members of the team.

Marie-Andrée spent the first three weeks assisting the lawyers during the court sessions and the nine following weeks working on the Closing brief. Working at the court allowed her to familiarize herself with the work of the prosecutors at the ICTR and to understand the importance and scope of the cases prosecuted. During the course of her internship, Marie-Andrée was present at the court sessions; drafted responses to the requests of the Trial teams; conducted research in international criminal law; drafted the questions for a cross-examination; assisted in the factual analysis of the case by evaluating the relevance of the evidence submitted by the defendants and drafting some sections of the analysis; read and summarized transcriptions of the testimonies; was in charge of data entry for the database *Case Map*; and edited and translated several documents from French to English.

Marie-Andrée mentions that her experience at the ICTR will allow her to be a better lawyer, open-minded, aware of the plurality of judicial systems and wanting to partake in the development of a more human and just international judicial system. She is thankful for having had the chance to realize one her dreams.

INTERN:	JENNIFER BESNER
PLACEMENT:	RIGHTS & DEMOCRACY
LOCATION:	MONTREAL, CANADA
FACULTY SUPERVISOR:	FRÉDÉRIC MÉGRET
RESEARCH PAPER:	ASSET RECOVERY AND THE ENFORCEMENT OF VICTIM'S RIGHTS

Jennifer Besner pursued work at Rights & Democracy, a Montreal-based organization charged with encouraging and supporting the universal values of human rights and the promotion of democratic institutions and practices internationally. Rights & Democracy considers itself to be in a unique position because of its relationships with grassroots rights and development groups as well as governments and attempts to play a partnership-building role by bringing these groups together to promote the values of human rights and democracy.

Jennifer's work this summer included reviewing translations of educational materials about the International Criminal Court, preparing a brief memo on rape as an international crime, and collecting information about cases before the International Criminal Tribunal for Rwanda for the Coalition for Women's Human Rights in Conflict Situations. Jennifer was also asked to assist in the preparation for the John Humphrey Award tour, which was to take place in November 2008 when Rights & Democracy would bring the recipients, Zimbabwe Lawyers for Human Rights, across the country for a series of public events in various cities and the award ceremony in Ottawa. She felt it was an interesting opportunity and a chance to network and spend some time learning from the award winners and other Rights & Democracy staff.

INTERN:	GUILLAUME BIGAOUETTE
PLACEMENT:	ATENEO HUMAN RIGHTS CENTER
LOCATION:	MANILA, PHILIPPINES
FACULTY SUPERVISOR:	ALANA KLEIN
RESEARCH PAPER:	LA «LOI SUR LE SYSTÈME DE JUSTICE PÉNALE POUR LES ADOLESCENTS»: LE RETOUR DU BALANCIER?

Guillaume Bigaouette worked at the Ateneo Human Rights Center (AHRC) affiliated with the Ateneo de Manila Law School in Manila, Philippines. Guillaume noted that Filipinos are warm and welcoming and that he always felt comfortable to ask his colleagues at the AHRC both for general advice about living in Manila and about the work itself.

During the course of his internship at AHRC, Guillaume worked on issues related to human rights in the Philippines and in South-East Asia. His work at the AHRC consisted in researching, analyzing, writing, reviewing and providing administrative assistance for the organization of events at the Center. His main tasks were to prepare a brochure about the new charter of the Association of Southeast Asian Nations, to partake in the preparation and teaching of the “Children's Rights and the Law” course taught at Ateneo Faculty of Law, and to conduct research and write an essay on the rights of migrant workers in South-East Asia. The latter was meant to acknowledge and identify the problems related to the protection of migrant workers locally, and thus, formulate recommendations for the future regional instrument. While in the Philippines, Guillaume also had the chance to travel with the other interns to the west coast of Luzon, where are found the most ancient Spanish historical sites, as well as to other towns.

INTERN:	DORIAN NEEDHAM
PLACEMENT:	PEOPLE’S WATCH
LOCATION:	MADURAI, TAMIL NADU, INDIA
FACULTY SUPERVISOR:	RENÉ PROVOST
RESEARCH PAPER:	THE CUSTODY OF THE STATE: LAW AND CUSTOM AS APPLIED TO POLICE TORTURE IN INDIA

Dorian Needham was placed with People’s Watch (PW), a human rights organization based in Madurai, Tamil Nadu. PW is a homegrown institution celebrating its thirteenth year of human rights monitoring and intervention in several states across India. Dorian’s work at PW focused on the EU-funded National Project on Preventing Torture in India (NPPTI), which aims to reduce or to eliminate police torture (estimated by PW at approximately 1.8 million cases annually). He helped to edit and to proofread approximately 3500 torture case reports in preparation for publication; he coordinated reportage for public tribunals; he assisted in drafting model legislation; and he undertook other tasks as needed. The latter included compiling the NPPTI’s submission to the EU’s annual funding report, writing quarterly reports for submission to the EU, and writing letters to the National Human Rights Commission.



Dorian relaxes with colleagues from People’s Watch, Tamil Nadu, India.

INTERN: PHILIP DUGUAY
PLACEMENT: IAIN LEGAL CLINIC
LOCATION: ACEH, INDONESIA
FACULTY SUPERVISOR: VRINDA NARAIN
RESEARCH PAPER: AN UPHILL BATTLE: THE DRAFT QANUN ON WOMEN'S EMPOWERMENT. PROTECTION AND THE (POSSIBLE) VICTORY FOR WOMEN'S RIGHTS IN ACEH, INDONESIA

INTERN: KAITLIN MEREDITH
PLACEMENT: IAIN LEGAL CLINIC
LOCATION: ACEH, INDONESIA
FACULTY SUPERVISOR: RONALD B SKLAR
RESEARCH PAPER:

Philip Duguay and Kaitlin Meredith headed to Aceh, Indonesia, aiming to improve the capacity of the Pusat Klinik Hukum (PKH – Legal Aid Clinic) at the Faculty of Shari’ah Law at IAIN Ar-Raniry, an Islamic institute for higher learning. The project was facilitated by the McGill University IAIN-Indonesia Social Equity Project (IISEP) and received separate funding under a CIDA grant. Philip and Kaitlin were tasked with completing capacity building projects aimed at increasing the capabilities of the PKH in dealing with the community on human rights issues. The PKH was not operational and had no ongoing funding. Despite these and other challenges, e.g. the daily language barrier, they achieved some positive outcomes. The internship culminated in a three-day training workshop for various members of the IAIN legal community on issues pertaining to the operation of an effective and sustainable legal information clinic. Trainees were instructed on the following topics: Organizational Strategy, Organizational Culture (including the Ethics of Legal Services), Human Resources Management, Advocacy, etc. A mock advocacy campaign was organized on the final day of the workshop for which all four groups designed excellent campaigns that were gender sensitive both internally and externally, combined knowledge of local laws and customs, media and networking skills accrued in trainings, and using time-bound, clear “SMART” goals. Philip and Kaitlin also offered advice and training to the PKH on grants solicitation, drew up a detailed skeletal grant application for members of the PKH to use for securing future operating grants, and helped the PKH staff make new contacts with local agencies and other like-minded NGOs in Aceh.

Philip’s paper was published: “The Struggle for Women’s Rights in Nanggroe Aceh Darussalam Province: A Look at History and Emerging Legislation,” *Singapore Law Review* 26 (2008) 1.

INTERN:	SAMUEL WALKER
PLACEMENT:	REFUGEE LAW PROJECT
LOCATION:	KAMPALA, UGANDA
FACULTY SUPERVISOR:	FRÉDÉRIC MÉGRET
RESEARCH PAPER:	STRANGERS TO THE GRAVE: INTERNATIONAL LAW AND THE FAILURE TO ADDRESS FORCED DISPLACEMENT

In May 2008, Samuel Walker set out for Uganda to work for the Refugee Law Project (RLP), an NGO associated with Makerere University in Kampala. RLP has the broad mandate to defend the rights of the estimated 1.8 million displaced persons in Uganda. Its comprehensive approach is relatively unique amongst NGOs in Uganda in that it provides both direct service to refugees (through its Legal Aid Clinic) as well as efforts to change the bigger picture through its Research & Advocacy and Education & Training departments. Samuel was posted to the Legal Aid Clinic, where he was able to obtain rare experience in what it is like to be a lawyer dealing directly with refugee clients in an already unstable country. For him, this meant a chance to be involved in real lawyering that could make a difference in individual lives. Over the course of his internship, he helped counsel individual refugee clients face-to-face, advocated on their behalf, and conducted research. Samuel also had the chance to do a 2-week field visit to Kyangwali Refugee Settlement on the Congolese border. He accompanied a small team of lawyers and psychologists to go stay in the camp, provide services to the refugees there, and assess the general human rights situation.

Samuel summarizes his experience by saying that, through this internship, he learned more than he had ever imagined and immensely enjoyed day-to-day life amongst the friendly and generous Ugandan people in their beautiful homeland. He concludes that the Refugee Law Project is a remarkable and impressive organization with kind, smart and dedicated people.



Sam Walker playing football with children he met through his work with the Refugee Law Project, Uganda.