



Canadian Centre for International Justice
INFORMATION ON LEGAL OPTIONS

The Canadian Centre for International Justice works with survivors of genocide, torture and other atrocities to seek justice and hold perpetrators responsible for their crimes. We also assist people with close relationships to victims who died as a result of human rights violations or who are unable to contact us on their own. This document will explain the CCIJ's services, how we help clients and the steps we take to pursue justice.

What is the CCIJ?

The CCIJ is a national charitable organization headquartered in Ottawa. We are an independent, non-profit group and we are not affiliated with the Canadian government. The CCIJ is made up of experts in law, human rights, immigration and health services for survivors of atrocities. Our team includes a Board of Directors, an Advisory Committee and a group of seven prominent Canadians, known as Honourary Patrons, that includes Maher Arar and Louise Arbour. We have a small but experienced team of staff and consultants. Our Executive Director previously headed efforts to ensure the establishment of the International Criminal Court. Our Legal Coordinator has spent many years bringing cases on behalf of survivors seeking to hold human rights abusers accountable. We also have Working Groups of dedicated volunteers in many of Canada's largest cities and Campus Groups with energetic students at several universities and law schools.

What does the CCIJ do?

The CCIJ offers support, assistance, direction and referrals to survivors and people with close relationships to victims of human rights abuses. We serve as a resource centre to provide information to our clients about their options for pursuing justice. We help clients assess the most favourable avenues to seek justice and we accompany them through the process.

The CCIJ also seeks to hold perpetrators accountable for their crimes. When the CCIJ receives information that a human rights abuser is living in or visiting Canada or is a company or group doing business here, we can initiate an investigation. There are many steps the CCIJ takes in carrying out investigations, including research of public documents, interviewing survivors and witnesses, collecting and reviewing evidence, consulting with experts and researching key legal issues.

Often, the preferred form of justice for a client is a legal case against an alleged perpetrator. There are many kinds of legal cases that will be described below. After the

CCIJ has conducted an initial investigation, if a client is interested in pursuing a legal case, the CCIJ will refer the client to the proper person or office to take the case forward. The CCIJ does not provide legal representation or enter into solicitor-client relationships. However, we remain heavily involved in any legal case that results from a CCIJ investigation, and we provide input on the direction of the case and accompany the client through the entire process.

In addition to working with clients, conducting investigations and supplying information to survivors, the CCIJ also carries out many other activities related to international justice. We provide education and training about issues of impunity, advocate for a greater commitment by the Canadian government to the prosecution of human rights abusers and support law reform efforts to improve legal options for survivors and people with close relationships to victims.

Who can benefit from the CCIJ's services?

The CCIJ's clients are survivors of human rights violations or people with close relationships to victims who died as a result of human rights violations or who are otherwise unable to contact us.

How does the CCIJ work with clients?

The CCIJ hopes to achieve the best individual result for each of our clients. When a person approaches the CCIJ for assistance, we carefully listen to the person's story and ask questions to clarify important details. Based on the initial conversation and any follow-up discussions, we help the client assess the various options for seeking justice. We give an orientation to clients about the details and consequences of involvement in a case or other justice-related activity. If appropriate, the CCIJ will undertake an investigation of the situation. The CCIJ also provides clients with referrals to psychological, social or settlement services as needed.

The CCIJ has strong rules to protect confidentiality. We do not voluntarily reveal the identities of clients, witnesses or other contacts or the confidential information they provide without their approval, although there is always a possibility that a court could order us to disclose this information.

What forms of justice might a client be able to pursue?

The CCIJ works with clients to find the right options for their situations. We never refer a case to any government, lawyer or court without the client's agreement. The CCIJ can help clients pursue the following forms of justice:

Criminal prosecutions by the Canadian government

The CCIJ carries out investigations that may eventually be referred to the Canadian government for the criminal prosecution of human rights abusers. If an investigation uncovers sufficient evidence and the client wishes to pursue a criminal prosecution, we will contact the appropriate officials in the Canadian government. If the government expresses a genuine intention to pursue the prosecution, the CCIJ will put the client in contact with the officials and hand over the evidence we have collected. Once a case is referred to the Canadian government, we will continue to verify that the prosecution is being conducted in an effective and fair manner and make recommendations to prosecutors where necessary. If requested, a CCIJ representative can go with the client to meetings with government officials.

Criminal prosecutions by foreign governments or international courts

The CCIJ may pursue or support a request to send human rights abusers for criminal prosecution in foreign or international courts when this reflects the wishes of the client, when Canada does not have a strong connection to the case or when the Canadian government is unwilling or unable to prosecute. The CCIJ only encourages extraditions abroad when investigations and trials will be conducted fairly and impartially. The CCIJ may conduct the initial investigation that leads to the international case, or may assist with an existing extradition request by talking with officials, gathering evidence and speaking out publicly.

Civil lawsuits in Canada

The CCIJ carries out investigations that may lead to the filing of lawsuits seeking compensation for clients. This type of case will not result in criminal charges and the alleged perpetrator will not go to jail even if the client wins. If an investigation uncovers sufficient evidence and the client wishes to pursue a civil lawsuit, we will help the client find a lawyer to file and pursue the case without charging legal fees. The CCIJ will remain heavily involved in the case and work closely with the lawyer throughout the process.

Extraditions to bring abusers to Canada for criminal prosecution

The CCIJ supports bringing human rights abusers to Canada for criminal prosecution in Canadian courts when other countries are unwilling or unable to act. We assist in these extraditions by talking with officials, gathering evidence and speaking out publicly.

Denaturalization, deportation and exclusion

The CCIJ supports immigration penalties against human rights abusers only as a last resort when no other forms of justice are available. We oppose deportations that could lead to further human rights violations or permit perpetrators to escape accountability. If denaturalization, deportation or exclusion might be an appropriate action in a particular case, we may carry out an investigation and provide evidence to the Canadian government.

Compensation for clients

The CCIJ helps clients pursue compensation by submitting applications and presenting cases to victim support funds.

Publicity campaigns

The CCIJ conducts public outreach to bring attention to issues of impunity and the presence of human rights abusers in Canada.

What types of human rights abusers does the CCIJ investigate?

Many of the CCIJ's investigations involve individual people accused of human rights abuses. We also investigate abuses by foreign governments, the Canadian government, corporations and other associations such as rebel or militia groups.

What connection is required to Canada?

The CCIJ only handles cases with a connection to Canada. The CCIJ may be able to assist survivors who are living in Canada even when the abuses they suffered happened outside Canada. Usually, the necessary connection to Canada involves the alleged perpetrator. We investigate human rights abusers with the following types of connections to Canada:

- An individual alleged perpetrator from another country is living in or visiting Canada
- At the time the crime was committed, the abuser was a Canadian citizen or resided in Canada
- At the time the crime was committed, the abuser worked for the Canadian government
- The abuser is a Canadian corporation or association or has a strong connection to Canada

What types of human rights violations does the CCIJ investigate?

Unfortunately, the CCIJ cannot investigate all types of crimes. We have limited resources and we can only focus on a small number of issues. The human rights violations we investigate are those that are considered by the world to be the most severe. They are limited primarily to acts of torture, which means severe mistreatment by government officials, usually when a person is in prison, and extrajudicial killings, which means murder committed by government officials. If someone is a survivor of torture or other severe abuses carried out by government officials, the CCIJ may be able to assist that person. If someone has a close

relationship to a person who was killed by a government, a militia or a rebel group, the CCIJ may be able to initiate an investigation.

Will a perpetrator go to jail as a result of a case started by the CCIJ?

Whether a human rights abuser goes to jail depends on the type of case a client decides to pursue. If a client wants to be involved in the criminal prosecution or extradition of an alleged perpetrator, there is a chance that the alleged perpetrator will be sentenced to prison at the end of the case. However, there is no guarantee that a prosecution will result in a victory. Criminal cases are extremely difficult and the requirements for gathering sufficient evidence are very demanding. Generally, only government officials can initiate a criminal prosecution and there is no guarantee that they will accept a case and present it a court. If a client chooses to pursue another procedure, such as a civil lawsuit or other action to seek compensation, an alleged perpetrator will not go to jail as a result of that case.

Does a client have to pay money for an investigation or to start a legal case?

No. The CCIJ can cover any expenses reasonably related to an investigation. In any subsequent criminal case, government officials should pay the client's expenses related to the prosecution, although we may be able to cover certain costs if the government fails to do so. In a civil lawsuit, either the CCIJ or the private lawyer will pay the client's case-related expenses.

What does a client have to do once a case begins?

A client's responsibilities depend on the type of case or action the client decides to pursue. At the beginning of a relationship with the CCIJ, the client will need to provide us some basic, personal information and some details about the client's story. We understand how difficult it can be to talk about such traumatic events so we will take the lead from the client. There is no need during the first conversation to talk about all the details of the abuse a client suffered. We can have several conversations if the client prefers. We have strict rules in place to keep this information confidential.

If the CCIJ decides to initiate an investigation, we prefer to have the client's help in identifying witnesses and other sources of evidence. It is very helpful if a client can put us in touch with witnesses or other contacts but if this will be too difficult, the CCIJ can do this without the client's assistance.

Once the initial investigation is complete, if there appears to be a possible legal case the client will have to decide, with information and support from the CCIJ, what type of case to pursue. From that point, the client's duties will depend on the case. In a

criminal prosecution, the client will have to give the CCIJ permission to share the client's name and information with government lawyers and investigative police. These officials will then take over responsibility for the case, although the CCIJ will remain involved and accompany the client through the process. The government lawyers will eventually file criminal charges against the alleged perpetrator (who is called the defendant). If the judge allows the case to continue to a trial, the client will likely have to testify in court as a witness in front of the judge and possibly a jury. It is sometimes possible for the identities of witnesses to be kept secret from the public but not from the defendant, who has a right to know who the witnesses are. During the testimony, the client can be questioned by the government's lawyers and the defendant's lawyer (this is called cross-examination). The defendant will also be present at the trial. The government lawyers and the CCIJ will work with the client before the trial to prepare.

If the client decides to pursue a civil lawsuit, the client will first need to select a private lawyer to take the case. The CCIJ will help the client find a lawyer to handle the lawsuit. The client will have to give the CCIJ permission to share the client's name and information with the private lawyer. The private lawyer will then take over responsibility for the case, although the CCIJ will remain heavily involved and work closely with the lawyer and the client throughout the process. Once the case is filed, the client may have to respond to written questions from the defendant and provide testimony at an oral examination. This is a proceeding in which the defendant's lawyer will have the chance to ask the client questions about the case. The examination usually takes place outside the court and without the judge. Later, if the judge allows the case to continue, the client will need to attend the trial. The CCIJ or the private lawyer will pay for the client to travel to the trial and for housing accommodations. It is likely the client will again have to give testimony in court at the trial. This means answering questions from the client's lawyer and cross-examination by the defendant's lawyer in front of the judge. The defendant may also be present at the trial. The client's lawyer and the CCIJ will work with the client before the trial to prepare.

If the client is involved in some other action, such as an extradition, deportation or a proceeding to seek compensation, the client will likely have to give testimony as well.

Do clients get money by participating in a case?

The possibility of compensation will depend on the type of case or action a client decides to pursue. One of the options available to a client may be a civil lawsuit or other procedure to seek compensation. However, there is no guarantee that the CCIJ will be able to recover any compensation for a client. Civil lawsuits can be difficult to win. In many of these cases, survivors have not received any money because the lawsuits have been rejected by the courts on legal grounds. Also, in civil cases, survivors are only entitled to money they can actually collect from the defendants themselves, which can often be very difficult.

How long does a case take?

Almost every case takes a long time to reach a conclusion. The CCIJ's initial investigation can take several months or a year. Filing the case often requires several more months. Once the case is filed, the length of the process will depend on how aggressively the defendant fights the case. Regardless of what the defendant does, any case is likely to take at least three or four years and many take longer than that. Even once a trial is finished, there will likely be appeals to higher courts which can take several more years. A client will probably have to spend approximately 10 days each year working with the CCIJ and lawyers, giving testimony, traveling to court and carrying out other activities related to a case. Any client should also consider that the trial in a civil lawsuit may be lengthy and the client may need to make preparations to be away from work during the trial. Other actions that are not legal cases may require less time.

Can a client's identity remain secret during a case?

There is never a guarantee that a client's name can be kept secret. When a client first speaks with the CCIJ and during our initial investigation, we follow strict rules to keep the client's identity and information confidential. If the client pursues a legal case, there is a strong likelihood that the client's identity will eventually have to be revealed to the defendant. It may be possible to keep the client's name secret from the public although there is no absolute guarantee that the judge will permit this. There is always a possibility that a court could order us to disclose confidential information.

Every client should consider whether bringing a legal case might jeopardize the client's safety or the safety of relatives or others and should balance the advantages of a case against the risks. Any client with relatives living abroad in areas where they could be at risk of threats or violence should discuss with those relatives the consequences of the client's participation in a case. Likely, there will be significant attention paid to the case in the media. The client is not required to speak with the media and the CCIJ will not disclose a client's identity or contact information to the media without consent. However, sometimes media attention increases the likelihood that secret information, including the identity of a client, a relative or a witness, might become public. A client always has the option to withdraw from a case if the client does not feel safe.

To speak with the CCIJ, please contact the Legal Coordinator, Matt Eisenbrandt:

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