

RULE OF LAW REPORT

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EDITOR'S NOTE

This issue features two leading Canadian organizations dedicated to justice and the rule of law.



Photo by Fardeen Firoze

Innocence Canada, formerly called AIDWYC (Association in Defence of the Wrongly Convicted), is dedicated to preventing and correcting miscarriages of justice. Win Wahrer has been with Innocence Canada since the beginning. As the organization celebrates its 25th anniversary, Win tells its story. She also spotlights some of the remarkable individuals who support Innocence Canada, and those whom it has supported in their struggles.

Level, formerly Canadian Lawyers Abroad, targets barriers to justice. It aims to educate and empower Indigenous youth, enhance cultural competency in the bench and Bar, and mentor future leaders in the legal profession. This issue spotlights Level's current programming and its new five-year strategic plan.

By drawing attention to flaws in the legal system, and tackling the root causes of injustice, Innocence Canada and Level strengthen the rule of law.



LexisNexis Canada and its employees are proud to support the work of both organizations. We also raise money for other worthy causes, including the [#TorontoStrongFund](#), established in response to the April 2018 Toronto van attack.

Heather MacIvor
LexisNexis Canada

TWENTY-FIVE YEARS OF ADVOCACY FOR THE WRONGLY CONVICTED

Innocence Canada, formerly the Association in Defence of the Wrongly Convicted (AIDWYC), is a national, non-profit organization that advocates for the wrongly convicted across Canada. In 2018, Innocence Canada celebrates its 25th year of helping to free the innocent.

The organization grew out of the Justice for Guy Paul Morin Committee, a grass-roots organization formed to support an innocent man after his wrongful conviction in 1992. When Guy Paul Morin was released on bail in February 1993, pending his appeal (and ultimate exoneration), the Committee reconstituted itself as AIDWYC. The members decided to broaden the organization's mandate to act on behalf of other individuals who were wrongly convicted of homicide.

🗨️ In its 25-year history, Innocence Canada has been instrumental in assisting in the exonerations of 21 Canadians

They include Guy Paul Morin, David Milgaard, Steven Truscott, Clayton Johnson, Robert Baltovich, William Mullins-Johnson, Tammy Marquardt, Dinesh Kumar, Leighton Hay, John Salmon, and Maria Shepherd. Our longest-serving wrongly convicted Canadian, the late Romeo Phillion, was incarcerated for almost 32 years. We are currently reviewing many other tragic cases of Canadians who are serving long sentences for crimes they did not commit. Our Board of Directors includes our highly respected lead counsel James Lockyer and criminal defence lawyer Scott Hutchison, as well as academics and interested members of the public. Our current co-presidents are exoneree Ron Dalton and former *Globe and Mail* justice reporter Kirk Makin.

Our charitable arm, the Innocence Canada Foundation, has amongst its members former Court of Appeal Justice Stephen Goudge,



Ron Dalton - Innocence Canada Co-President

🗨️ For the first decade, Innocence Canada's Executive Director was Dr. Rubin "Hurricane" Carter – who tragically spent 20 years in New Jersey prisons for a crime that he and his co-accused John Artis did not commit.

former Chief Justice of the Superior Court Patrick Lesage, defence lawyer Brian Greenspan and long-time supporter and advocate William Wine. We also have a Case Review Committee to evaluate possible cases of wrongful conviction and gauge the likelihood of success in an appeal or an application for ministerial review under Part XXI.1 of the *Criminal Code*.



Innocence Canada

Win Wahrer
Director of
Client Services
Innocence
Canada

☞ Innocence Canada is deeply grateful to the hundreds of individuals who have been an integral and important part of the fight against injustice over the past 25 years.

We could not do our work without those individuals who dedicate and contribute their time and expertise.

Innocence Canada was granted standing at, and significantly contributed to, the various public inquiries into Canadian wrongful convictions, starting with the Morin Inquiry in 1996. The reports of these inquiries have been cited by the Supreme Court of Canada in several leading cases on criminal justice. One such case is *USA v. Burns*, in which the Court cited growing awareness of wrongful convictions as a reason to prohibit extradition from Canada to death-penalty jurisdictions.

Innocence Canada remains actively engaged in criminal law reform. In recognition of our expertise, the organization is often invited to give policy advice to key government institutions. One such case is *R. v. Hart*, in which the Supreme Court of Canada excluded a confession

obtained from a “Mr. Big” police sting and expressed strong concerns about the potential of such techniques to produce wrongful convictions. We also intervened in *McArthur v. Ontario*, a decision that clarified the process by which Canadians can apply to have their convictions reviewed by the Minister of Justice to determine whether a miscarriage of justice likely occurred.

☞ Our counsel have intervened in important court cases involving miscarriages of justice.

Since its inception, Innocence Canada has maintained associations with like-minded groups in jurisdictions around the world. It has also developed professional relationships with several individual counsel and academics in the United States and in the United Kingdom who have worked on cases of notorious miscarriages of justice. It has played a significant role in several wrongful conviction cases in the United States.

We have advocated on behalf of Canadians and non-Canadians facing execution in the United States and elsewhere:

- Joseph Stanley Faulder was sentenced to death by the state of Texas in 1977. After numerous stays of execution, he was executed by lethal injection on June 17, 1999. His body was returned to his family in Jasper, Alberta.
- Madame Nguyen Thi Hiep and her elderly mother, Madam Tran Thi Cam, were wrongly convicted of drug smuggling while on a family visit to Hanoi, Vietnam. Madame Nguyen Thi Hiep was executed by firing squad on April 24, 2000. Madame Tran Cam was released from prison on September 17, 2000 as part of a general amnesty involving more than 10,000 prisoners on Vietnam’s 55th Independence Day. Madame Tran Cam returned to her family in Canada.
- William Sampson was a dual British and Canadian national who was arrested along with other nationals in Riyadh, Saudi Arabia on December 17, 2000 on a variety of charges. He narrowly missed being beheaded. Mr. Sampson was tortured mercilessly until his release on August 8, 2003. Mr. Sampson passed away in 2012.
- Max Soffar was sentenced to death by the State of Texas in 1981 and again at his second trial in 2006. The Fifth Circuit Court of Appeal agreed

Win Wahrer
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Canada



Innocence Canada

to hear his case, but he died of liver cancer three days before the court was to hear oral arguments in May 2016. Max Soffar professed his innocence to the end.

- Kevin Cooper was sentenced to death by the State of California in 1985 for the murders of four people. He remains on death row awaiting an execution date. Kevin Cooper has always maintained his innocence. <http://www.savekevincooper.org/pages/about.html>

We have also intervened and advocated on behalf of Canadians who have been arrested and imprisoned outside North America. For example, Khaled Al-Qazzar, a mechanical engineer, human rights activist and educator, was arrested in Egypt in 2012 but never officially charged. He almost died from the effects of deplorable living conditions and the lack of sleep, proper food and health care. One of his fellow prisoners was Mohamed Fahmy, a war correspondent, journalist and author. He was arrested in Egypt along with two colleagues. Mr. Fahmy was sentenced to 7 years at his first trial and 3 years at his retrial. Both men were released from jail in 2015 and now live in Canada.

In addition to its legal and advocacy activities, We have sponsored, co-sponsored or participated in several national and international conferences beginning with Innocents Behind Bars in Toronto in 1994.

In 2014, in an effort to give a face and a voice to the wrongly convicted and enlighten the public as to the consequences of wrongful convictions, Innocence Canada launched Wrongful Conviction Day (WCD). This is an international event, commemorated annually on October 2. The momentum and participation has grown each year as more and more organizations and individuals join to make as much impact as possible in our common goal of avoiding and remedying wrongful convictions.

Innocence Canada welcomes the support and assistance of everyone who shares our goals: to help in the prevention of and to remedy wrongful convictions. For more information, or to make a contribution, please go to <http://innocencecanada.com/>.



Rubin "Hurricane" Carter
First Executive Director of AIDWYC

Innocence Canada works to raise public awareness of wrongful convictions.



Innocence Canada

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LEVEL – CHANGING LIVES THROUGH LAW

Level (formerly Canadian Lawyers Abroad) was established in 2004 by lawyers Yasmin Shaker and Catherine McKenna. (The Honourable Ms. McKenna is now the federal Minister of the Environment and Climate Change.)

📖 The organization’s mission is to level barriers to justice by disrupting prejudice, building empathy and advancing human rights

Level pursues its mission through three main programs:

- The Human Rights Research and Advocacy Program engages undergraduate and law students across Canada and empowers them to raise awareness about emerging human rights issues. This program provides leadership opportunities by enabling students to conduct specialized research projects, host conferences and panel events, and support local community organizations.

This program includes 10 Level Campus Chapters at law schools across Canada.

- The Training and Mentorship Program is designed to increase the empathy and cultural competency of justice responders. Level’s training sessions highlight the histories and current lived realities of Indigenous peoples across Canada in order to provide lawyers and law students with tools needed to approach their day-to-day work with empathy and humility, and to increase access to justice. The mentorship initiatives encourage law students to develop entrepreneurial and creative problem solving skills, and to consider

bold career choices in the social justice sector.

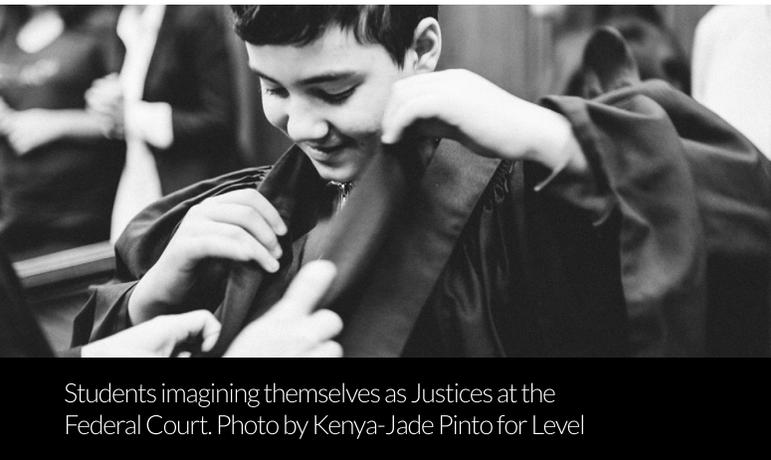
- The Indigenous Youth Outreach Program (formerly “Dare to Dream”) targets 11-14 year-old First Nations, Métis and Inuit students. It is designed to enhance understanding of the justice system through mock trials, sentencing circles and field trips, and to give Indigenous students – who are greatly overrepresented in the criminal justice system – tools to understand and navigate the law.

According to Executive Director Brittany Twiss, the Strategic Plan “sets out our commitment to amplify the existing movement around access to justice.” Among the specific goals outlined in the plan, Level aims to:

Heather MacIvor
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Youth from the First Nations School of Toronto participating in a mock trial.
Photo by Kenya-Jade Pinto for Level



Students imagining themselves as Justices at the Federal Court. Photo by Kenya-Jade Pinto for Level

 In April 2018 Level unveiled a five-year Strategic Plan.

- increase the number of campus chapters to 15, engaging 5000 post-secondary students in research and mentorship;
 - educate 10,000 11-to-14 year-olds each year, with a particular focus on Indigenous youth and those affected by multiple forms of discrimination;
 - recruit 500 mentors in the legal profession and 50 partner organizations (e.g. schools and legal clinics); and
 - train a thousand justice sector professionals annually.
- For more information about Level's activities, and to read the 2018-2023 Strategic Plan, visit <https://leveljustice.org/en>.

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Students look out at Parliament during a justice education workshop.
Photo by Kenya - Jade Pinto for Level

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