



NJW LIVE PROJECT (SEMINAR 3 & 4) OFFICIAL BOOKLET

2025



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First Edition, 2025

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ABOUT US

Northern Justice Watch (NJW) is a Canada-based collective founded in 2023. We bring together human-rights activists, legal practitioners, educators, journalists, and subject-matter experts with lived and professional experience from Ukraine, Syria, China, Afghanistan, Turkey, and Canada. United by a common purpose, we document serious violations, support survivors, and pursue accountability using tools available under Canadian and international law.

Our mission. NJW works to confront crimes against humanity and related mass-atrocity harms by challenging impunity and advancing the rights, safety, and dignity of victims and affected communities. From our base in Canada, we respond to global abuses through Canadian processes and international mechanisms, ensuring that credible allegations do not go unnoticed or unchallenged.

Where and how we work. While our focus spans multiple countries, our activities—case development, evidence handling, legal filings, and survivor support—are organized and carried out in Canada. We provide free legal support and informed referrals, partnering with clinics, pro bono counsel, and community organizations. Our approach is survivor-centred and do-no-harm: informed consent, confidentiality, and safety planning guide every step.

Legal frameworks we use. We honour Canada's human-rights legacy by using mechanisms such as the Crimes Against Humanity and War Crimes Act and the Justice for Victims of Corrupt Foreign Officials (Magnitsky) Act, alongside other domestic and international avenues. Where appropriate, we pursue criminal and civil accountability before national courts and international bodies, including through principles of universal and extraterritorial jurisdiction. We also advocate for thorough investigations and prosecutions at the national level.



WHAT WE DO

- Help survivors and communities document safely, preserve evidence, and navigate complaint and filing options.
- File and support criminal and civil actions where viable; prepare sanctions-ready dossiers when targeted measures are appropriate.
- Engage the UN and other international mechanisms to elevate patterns of abuse and press for concrete remedies.
- Work with media and civil society—ethically and securely—to ensure credible information informs public and policy responses.

Our commitment. NJW stands with victims of atrocity crimes. We use Canadian and international law to challenge impunity, amplify silenced voices, and pursue remedies that protect people and uphold fundamental rights.





Northern Justice Watch (NJW) proudly presents the **LIVE Project**, a transformative initiative made possible through the support of The Law Foundation of Ontario. The LIVE Project is committed to empowering marginalized communities affected by atrocity crimes—such as members of the Hizmet Movement, Yazidis, Hazaras, and Tigray populations—by deepening their understanding of legal rights and access to justice.

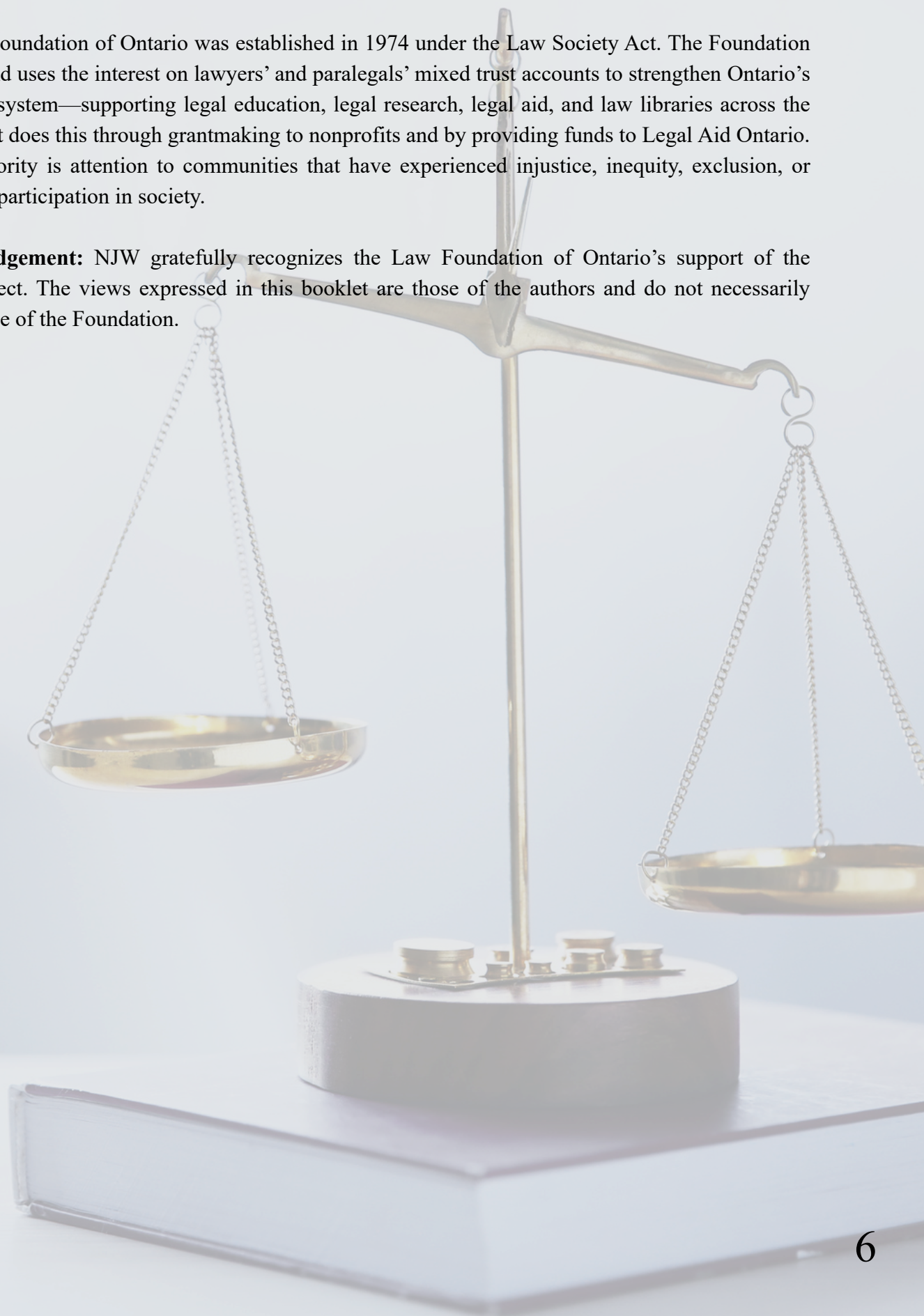
Through a comprehensive program of tailored workshops, outreach initiatives, and community support networks, the LIVE Project bridges critical gaps in legal knowledge and capacity for those who have endured severe human rights violations. By helping participants navigate both Canadian and international legal systems, the project fosters resilience, advocacy, and empowerment. Its holistic approach ensures that affected individuals are not only informed about their rights but are also equipped to pursue justice and contribute to systemic change within and beyond their communities.



The Law Foundation of Ontario (Funder Acknowledgement)

The Law Foundation of Ontario was established in 1974 under the Law Society Act. The Foundation receives and uses the interest on lawyers' and paralegals' mixed trust accounts to strengthen Ontario's justice ecosystem—supporting legal education, legal research, legal aid, and law libraries across the province. It does this through grantmaking to nonprofits and by providing funds to Legal Aid Ontario. A core priority is attention to communities that have experienced injustice, inequity, exclusion, or barriers to participation in society.

Acknowledgement: NJW gratefully recognizes the Law Foundation of Ontario's support of the LIVE Project. The views expressed in this booklet are those of the authors and do not necessarily reflect those of the Foundation.



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SEMINAR 3:

MECHANISM FOR INTERNATIONAL JUSTICE AND ACCOUNTABILITY & HOW TO BRING CASES TO INTERNATIONAL COURTS AND THE UN

KEYNOTE SPEAKER:
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SEMINAR 3

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International Accountability Mechanisms

International accountability mechanisms are forums, processes, or procedures designed to hold states, groups, corporations, or individuals responsible for actions that violate international law, especially in cases where domestic systems are unable or unwilling to provide justice. Unlike national mechanisms, such as courts or tribunals in Canada, international mechanisms fill gaps left by domestic jurisdictions. For example, victims in countries like Turkey may turn to international forums when their national legal system cannot address human rights abuses.

There are different types of international accountability mechanisms, each with specific rules, users, and purposes, often involving the role of victims and communities. One prominent example is the International Court of Justice (ICJ), a legal court where states bring cases against other states for violations of international law.

Notable cases include:

- **The Gambia vs. Myanmar** under the Genocide Convention
- **Canada and the Netherlands vs. Syria** under the Convention Against Torture
- **South Africa vs. Israel** under the Genocide Convention (Gaza)
- **Ukraine vs. Russia** under the Genocide Convention and other treaties

These cases illustrate how the ICJ and similar mechanisms are used to hold states accountable for serious international law violations, particularly when domestic avenues are inadequate.

1.1. International Accountability Mechanisms – ICC and UN Human Rights System

There are three main types of international accountability mechanisms:

1. **International Criminal Court (ICC)** – A criminal court that prosecutes individuals, not states, for international crimes such as genocide, war crimes, crimes against humanity, and aggression. Unlike the International Court of Justice (ICJ), which deals with disputes between states, the ICC focuses on holding specific people accountable.

Notable cases include:

- Omar al-Bashir (Sudan) – warrant issued, not yet arrested
- Rodrigo Duterte (Philippines) – recently arrested, and proceedings are ongoing
- Vladimir Putin (Russia) – warrant issued
- Benjamin Netanyahu and former Israeli defense minister – cases related to Gaza

2. United Nations Human Rights System – A system that monitors and promotes human rights compliance among states. Mechanisms include:

- **UN Human Rights Council (UNHRC)**, including special procedures and investigative bodies
- **Universal Periodic Review (UPR)** – a peer-review process assessing states' human rights records
- **UN Treaty Bodies** – committees that monitor state compliance with ratified human rights treaties, allowing victims and civil society to submit information

These mechanisms enable victims, communities, and states to raise issues, provide evidence, and seek accountability where domestic systems may be insufficient. They also help users understand differences between systems, who can use them, and how they can be strategically leveraged to pursue justice and accountability.

This overview does not cover all international mechanisms or domestic options, but provides a framework for navigating these systems.

1.2. International Court of Justice (ICJ)

The International Court of Justice (ICJ) is a civil, state-to-state court established for resolving disputes between countries. It is historically part of a state-centric, voluntary international legal system, where states negotiate and commit to treaties that govern their obligations. Individuals generally cannot bring cases directly; instead, a government must formally initiate a case against another state. This makes the ICJ less accessible for victims of human rights violations unless a state is willing to advocate on their behalf.

Cases at the ICJ are based on specific treaties or conventions that both states have signed, which means accountability depends on:

- Whether the state has signed the relevant treaty
- When they signed it, as obligations may only apply from that point onward
- Whether the treaty designates the ICJ as the dispute resolution forum (some treaties specify alternative forums like arbitration)

Examples of relevant human rights treaties include:

- **Genocide Convention (1948)** – widely signed and considered part of customary international law, allowing states to bring genocide cases to the ICJ
- **Convention Against Torture** – signed by many states; violations can be raised in the ICJ if the treaty provides for it
- **Convention on the Elimination of Discrimination Against Women (CEDAW)** – also can provide a basis for ICJ cases.

1.3. Role of Victims and Remedies at the ICJ

At the International Court of Justice (ICJ), victims have a very limited formal role. They cannot bring cases or participate directly in proceedings. However, victims and affected communities can still influence accountability indirectly by lobbying governments to initiate cases on their behalf, especially in matters involving serious human rights violations like genocide, torture, or systemic discrimination. **Diaspora communities** often play a key role in providing evidence and advocating for government action.

Remedies available at the ICJ include:

- **Provisional measures** – temporary, urgent orders to prevent ongoing harm until a final judgment is made
- **Orders to stop unlawful actions** – requiring a state to cease activities violating international law
- **Fulfillment of positive obligations** – compelling states to comply with treaty requirements
- **Restitution or compensation** – restoring victims or affected states to their prior position, which may include monetary compensation
- **Promise of non-repetition** – a formal commitment by a state to avoid repeating violations

Enforcement is limited, as the ICJ relies on state compliance and, if necessary, referral to the UN Security Council, which is often constrained by political considerations, including veto powers.

Examples of ICJ cases where victim advocacy and state action intersect include:

- **Canada, Australia, Germany, and the Netherlands vs. Afghanistan** – under CEDAW, addressing discrimination against women and girls
- **Canada and the Netherlands vs. Syria** – under the Convention Against Torture
- **The Gambia vs. Myanmar** – genocide against the Rohingya
- **South Africa vs. Israel** – systemic discrimination and alleged apartheid in Gaza

These examples illustrate that while victims cannot directly access the ICJ, their voices, evidence, and advocacy are crucial in prompting states to pursue cases and seek international accountability.

1.4. International Criminal Court (ICC) – Role, Process, and Victims

The International Criminal Court (ICC) is a criminal court that prosecutes individuals, not states, for serious international crimes defined under the **Rome Statute**:

- Genocide
- Crimes against humanity
- War crimes
- Crime of aggression

Who can bring cases:

- Only the Office of the Prosecutor can formally bring cases.
- Prosecutors decide based on evidence, legal jurisdiction, and whether the crime falls within the ICC's mandate.
- Victims, human rights activists, NGOs, and member states can submit information to the prosecutor during preliminary examinations, which can lead to investigations, arrest warrants, and prosecutions.

Jurisdiction limitations:

- Crimes must occur on the territory of a member state or be committed by a national of a member state.
- Crimes committed before the Rome Statute entered into force (2002) or before a state joined the ICC generally cannot be prosecuted ("temporal limitation").

Role of victims:

- Victims have a participatory role in ICC proceedings, unlike at the ICJ.
- They can provide evidence, participate in hearings through legal counsel, and access the Trust Fund for Victims for potential compensation.
- Victims cannot initiate cases themselves or compel the prosecutor, but their input can influence investigations and case scope.

Command responsibility:

- The ICC targets the highest-ranking perpetrators (e.g., presidents, defense ministers), holding them accountable for crimes committed under their authority.
- Lower-level perpetrators may be indirectly addressed but are generally not the primary focus due to limited resources.

Remedies:

- The ICC provides criminal accountability, which can include conviction, imprisonment, fines, and reparations for victims.
- This differs from the ICJ, which provides civil remedies like restitution, orders to cease violations, and compensation to states.

Key Takeaway:

The ICC operates as a court of last resort, focusing on serious international crimes by top perpetrators, while victims have a limited but meaningful participatory role, mostly through evidence submission and legal representation in ongoing cases.

2. International Accountability and Human Rights Advocacy

2.1. Conflict Dynamics and Accountability Challenges:

- Many conflicts persist because actors benefit financially or politically, including states, corporations, and other countries supplying weapons, technology, or intelligence.
- **Accountability** can extend beyond the state committing atrocities to companies and supporting states under certain legal frameworks, such as the genocide convention (e.g., Canada supplying weapons to Israel).

2.2. Creative Legal Tools for Accountability:

- **Universal jurisdiction:** Some countries allow domestic courts to investigate and prosecute international crimes committed abroad if perpetrators are present in their territory.
- **Targeted sanctions:** Countries like Canada can freeze assets or sanction individuals involved in human rights violations.
- **State referrals and treaty obligations:** Member states of international courts can refer situations for investigation or hold other states accountable for complicity.

2.3. Practical Challenges:

- **Arresting high-profile individuals** (e.g., Omar al-Bashir, Taliban leaders) is difficult due to political and diplomatic barriers, even when warrants exist.
- Trials follow standard due process, including rights to counsel and fair hearings.

2.4. Exhaustion of Domestic Remedies:

- International mechanisms, including the ICC and UN human rights systems, are complementary and typically act only when domestic remedies have been tried and found ineffective.
- Indicators of insufficient domestic remedies include excessive delays or a lack of effective investigation.

2.5. Domestic and Local Human Rights Advocacy:

- Issues like homelessness and encampments in Canada fall under broader human rights frameworks, even if they are not classified as international crimes.
- Individuals and communities can engage domestic and international mechanisms, such as UN special rapporteurs or national human rights institutions.

2.6. Role of Communities and Diasporas:

- **Legal accountability requires expertise**, so collaborating with community lawyers and NGOs is crucial.
- **Diaspora communities can influence home governments** through **advocacy, lobbying, and raising awareness** to ensure foreign policy and international engagement align with human rights standards.
- **Example:** Canadian advocacy by the Afghan diaspora influenced Canada's engagement on gender persecution issues in Afghanistan.

Key Takeaway:

- **Accountability for international crimes is complex**, multi-layered, and often slow, but legal, political, and advocacy tools exist.
- **Effective engagement** requires a combination of **legal expertise, advocacy, strategic use of domestic and international mechanisms, and community mobilization.**

SEMINAR 4:

MECHANISMS FOR DOMESTIC JUSTICE AND ACCOUNTABILITY IN CANADA

KEYNOTE SPEAKER:

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(INTERNATIONAL HUMAN RIGHTS LAWYER & CONSULTANT)

SEMINAR 4

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1. DOMESTIC ACCOUNTABILITY IN CANADA

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- 2.2 Diaspora Role
- 2.3 Intersectionality

3. DOMESTIC JURISDICTION & LESSONS FROM OTHER COUNTRIES

4. CANADA'S SANCTIONS, LEGAL ACCOUNTABILITY, AND CROSS-CULTURAL JUSTICE: CHALLENGES AND APPROACHES

1.Domestic Accountability in Canada

Canada has three main domestic accountability pathways for addressing international crimes: criminal, civil, and political.

1.1. Criminal accountability is governed by the *Criminal Code* and the *Crimes Against Humanity and War Crimes Act (2000)*, allowing Canada to prosecute genocide, war crimes, crimes against humanity, and torture, even if committed abroad. Cases can target both **direct perpetrators** and **those complicit**. However, prosecutions are rare: only two cases in 25 years, due to the **complexity of cross-border investigations, high proof standards, limited resources**, and Canada's policy focus on immigration remedies rather than criminal prosecution. Political approval and prosecutorial discretion also influence whether cases proceed.

1.2. Civil accountability allows victims to **seek compensation from individuals or corporations**, but not from states or state officials due to the *State Immunity Act*. Exceptions exist for corporations, as the Supreme Court has affirmed that breaches of customary international law can be addressed through civil remedies. While civil suits cannot punish individuals criminally, they provide a pathway for redress and accountability against non-state actors.

1.3. Political accountability is non-judicial and relies on state-led measures, such as targeted sanctions against individuals or entities responsible for human rights abuses. This pathway aims to influence behaviour rather than deliver direct justice, using tools like UN-mandated or human rights sanctions to align conduct with Canadian and international values.

2. Role of Civil Society

Survivor communities and diaspora groups are essential for building political will, raising awareness, lobbying government officials, and supporting investigations by providing evidence and contextual knowledge. These efforts help overcome practical barriers and make accountability pathways more effective.

2.1. Survivor & Community Role

- Survivors hold crucial details: what happened, when, where, and who was involved.
- Civil society and diaspora communities can support investigations by sharing evidence with specialized lawyers.
- Lawyers help package evidence for Canada's War Crimes Program and advocate for formal investigations.
- Civil society cannot prosecute independently but provides leads, identifies perpetrators and victims, and preserves evidence.

Types of Evidence

- **Documentary:** documents, photos, IDs.
- **Testimonial:** survivor and witness statements.
- **Digital:** videos, social media posts, satellite imagery (requires authentication and preservation).
- **Expert:** historical, cultural, and medical analyses.

Digital evidence guides investigations even if inadmissible; proper collection and preservation are critical.

2.2. Diaspora Role

- Diaspora communities provide crucial granular information for investigations, but are not expected to do legal analysis.
- Existing human rights organizations (Amnesty, Human Rights Watch) already monitor abuses globally.
- Effective use of diaspora knowledge is in helping investigators connect incidents to broader conflict contexts.

2.3 Intersectionality

- Victims may face overlapping harms (e.g., ethnicity + gender).
- Canadian law allows recognition of intersecting identities but requires application from the outset.
- Investigators and lawyers must incorporate intersectional perspectives to ensure thorough, just cases.
- **Example:** Hazara women in Afghanistan experience both ethnic and gender-based persecution.

Refugee & Immigration Intersection

- Survivors often arrive in Canada via refugee pathways, providing testimony.
- Immigration tools can remove alleged perpetrators when criminal prosecution is infeasible.
- Immigration remedies have a lower evidentiary standard than criminal cases, making them a practical accountability mechanism.

3. Domestic Jurisdiction & Lessons from Other Countries

- Other countries (Germany, Sweden, Australia) use universal jurisdiction more frequently than Canada.
- Canada can learn from cross-border collaboration and structural investigations (e.g., Syria, Ukraine).
 - Structural investigations gather contextual information without a specific perpetrator, allowing for faster integration once suspects are identified.
- Differences in legal systems (civil law vs. common law) affect what's possible; civil law systems often allow victims a formal role and prosecutions without the perpetrator being present in-country.
- Canada faces limitations due to its **geography, refugee intake, and legal requirements** for presence.

Civil Accountability

- **State Immunity Act:** Major barrier to civil claims against foreign states for torture or wrongful death.
- The Supreme Court of Canada confirmed that the Parliament must explicitly amend the law for exceptions; advocacy and political will are essential.
- Coordination across communities can increase political leverage to push for legislative change.

Corporate Accountability

- Canadians can sue corporations for complicity in international law violations, including crimes against humanity (e.g., Nevsun Resources case).
- Supply chain cases are more complex due to legal tests (duty of care, foreseeability, proximity).
- Canadian technology or products used abroad could be subject to legal scrutiny, but accountability depends on knowledge, foreseeability, and due diligence.

Political Accountability & Third-Party States

- Domestic accountability for foreign governments supplying weapons or enabling atrocities is extremely limited due to the State Immunity Act.
- International law or treaty mechanisms may provide recourse, but domestic options are constrained.

4. Canada's Sanctions, Legal Accountability, and Cross-Cultural Justice: Challenges and Approaches

1. Sanctions as a Political Tool:

- Canada is legally obliged to implement UN Security Council sanctions, but it also has discretionary sanctions under the *Special Economic Measures Act* and targeted human rights sanctions for individuals or entities involved in human rights abuses.
- Sanctions are not permanent punishments; they aim to change behaviour and can be lifted if a country complies, or reimposed if conduct continues. Examples include sanctions on Russia, Eritrea, Liberia, Mali, Rwanda, and the former Yugoslavia.

2. Complexity and Responsiveness of Sanctions:

- Sanctions are dynamic, targeting countries, entities, and individuals.
- They require ongoing monitoring and political discretion.
- Misjudgments can occur, as seen with Eritrea and Ethiopia, where sanctions were lifted prematurely.

3. Challenges in Evidence and Justice Across Cultures:

- Legal systems, like Canada's common law system, rely on documented or firsthand evidence, which may not capture cultural forms of record keeping, like songs or oral traditions.
- Such evidence may be inadmissible in court due to hearsay rules but can guide investigations or contextual understanding.
- Justice systems in other cultures or indigenous systems may operate differently, and universal jurisdiction cases are a last-resort method when domestic systems fail.

4. Due Process in Universal Jurisdiction:

- Prosecutions under Canada's Crimes Against Humanity and War Crimes Act follow Canadian criminal law procedures, including the right to appeal.

Broader Reflections on Justice:

Legal accountability is often narrow and state-centred, with victims frequently feeling peripheral to the process. However, justice can also be pursued through cultural, community-based, and victim-centred approaches that exist beyond formal courts. Survivors, allies, and communities play a crucial role in this broader pursuit of justice by pressuring governments, sharing evidence, and demanding accountability.

Defend.
Protect.
Empower.

#accesstojustice



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