

## CRIMINAL LAW

By Joe Wiebe

## Knows No Boundaries

International criminal law is a relatively young and changing branch of law that was created and is being driven by lawyers and academics with a passion to fight injustice on a global scale. With its roots in crimes against humanity – war crimes and genocidal atrocities – it is now growing to encompass other transnational violations, such as human trafficking and multinational corporations that participate on the fringes of armed conflict.

Practicing international criminal law can be very challenging and exhausting; for those who pursue it as a career, the common denominator seems to be a life-changing event that catalyzed their decision to serve in the international forum.

The catalyst for Benjamin Perrin was an experience he had in 2001 volunteering in Cambodia with survivors of child sex trafficking. He was astounded by the prevalence of men from Canada and other western developed countries who had travelled there and abused these children.

“I couldn’t understand how the law allowed that to happen,” he remarks about that experience. “It turned out there was a law against that – extra-territorial child sex tourism laws – but they weren’t being implemented successfully. So that’s where my whole awareness about international law really got going: on the ground in a very real way, seeing the impact on these young children in Cambodia who were being horribly abused by Canadian men who were escaping the legal consequences that should have been brought home to them.”

At the time, Perrin was an undergraduate at the University of Calgary, pursuing a Commerce degree. He and some of his fellow students had organized and raised funds for this volunteer trip, forming a non-governmental organization (NGO) they named the Future Group, which still operates today ([www.thefuturegroup.org](http://www.thefuturegroup.org)). In addition to co-founding that charity, Perrin acted as its Executive Director until 2006, and remains an advisor to the board today.

Perrin’s experience inspired him to pursue a career in international law. He obtained his J.D. from the University of Toronto and his LL.M. at McGill University and then clerked at the Supreme Court of Canada. He also interned in Chambers at the International Criminal Tribunal for the former Yugoslavia in The Hague. He joined UBC Faculty of Law as an Assistant Professor in 2007.

Professor Perrin’s primary research focus is human trafficking: the illegal trade in human beings for the purposes of commercial sexual exploitation or forced labor. Based on intensive research and interviews with victims, Perrin’s first book, *Invisible Chains: Canada’s Underground World of Human Trafficking*, came out in fall of 2010.

“This is the first comprehensive study of human trafficking in Canada,” Perrin explains, “and the first book on the issue as it impacts our country. We know that it’ll have a big impact and we hope that it will change laws and policies for the better.”



For James Stewart, who has been teaching at UBC since August 2009, the catalyst for his decision to pursue international criminal law as a career was an internship at the International Criminal Tribunal for Rwanda in 2000, where he worked as part of an investigations and prosecution team.

“The prisons contained 120 people in a cell built for eight,” he recalls learning at one of his visits to the prisons. “People would rotate the ability to sit down and the life expectancy was about eight months. It was really, really horrific.”

“One particular day,” he continues, “I saw 50,000 dead bodies preserved in lime. You can pretty much trace those experiences to where I am now.”

Originally from New Zealand, where he earned a B.A. in Philosophy and an LL.B. from Victoria University of Wellington, Stewart completed his Masters in International Criminal Law (in French) at the Université de Genève and worked for a year as a legal advisor at the International Committee of the Red Cross. Deciding to devote himself to pursuing justice for victims of war crimes, he went to work as an appellate prosecutor at the International Criminal Tribunal for the former Yugoslavia in The Hague.

After a couple of years, though, Stewart realized he would need to make a change.

“It was fantastically interesting work,” he explains, “but not really sustainable if you want to put down roots. It struck me relatively early on that I had a choice of giving myself to that itinerant lifestyle. Once a particular justice mechanism finished in Africa, I would move to Cambodia or East Timor or wherever something was happening. Or I could start thinking more seriously about being an academic and continuing my interest in that line of work, but at the same time, creating some flexibility about where I live.”

Stewart began that transition when he was given an opportunity to teach and pursue his Ph.D. at Columbia University in New York. His dissertation focuses on “the relationship between business and atrocity.”

He believes that this field of study represents a potentially major shift in focus for international criminal law, and he has already been rewarded for his research efforts—Stewart received the inaugural Antonio Cassese Prize for International Criminal Law Studies, a €10,000 award for the most original and innovative paper published in the *Journal of International Criminal Studies* since its inception in 2003. His article, “Atrocity, Commerce and Accountability: The International Criminal



James Stewart

Liability of Corporate Actors,” features some of the research from the first part of his Ph.D., which focuses on “corporate responsibility for pillaging natural resources.”

Stewart argues that there is “a vicious triangle between illegal exploitation of natural resources, illicit weapon transfers, and continuation of armed violence characterized by egregious human rights violations. International criminal law focuses too much on the apex of that triangle: human rights violations. What about the companies illegally exploiting natural resources? What about the companies selling weapons to notoriously brutal regimes?”

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This line of reasoning is likely very exciting to international prosecutors who, as Stewart knows from his own experiences working in that venue, often wish they could intervene sooner, rather than after genocide has occurred.

He also recently began a fellowship with the Open Society Institute focused on prosecuting arms vendors for complicity in international crimes, which represents the second part of his doctoral work.

“The prospect of actually intervening in an ongoing conflict to deal with weapons suppliers to the conflict is, I think, very attractive to prosecutors.”

Stewart believes that one of his responsibilities as a law professor is to inspire his own students to want to fight injustice. He hopes to encourage his students to consider careers in public interest law, whether within Canada or abroad.

“I really want to create an environment where students have my support in pursuing their experience of justice.”

Benjamin Perrin has a similar belief in motivating his students, which is reflected in those who point to his mentorship as a high point in their tenures at UBC (including Bethany Hastie and Daniel Loutfi, two recent graduates who

interned with him in his Human Trafficking Working Group and are featured in this issue).

"When I teach first-year criminal law," Professor Perrin says, "I encourage students in the first week of class to write down why they came to law school. And I always joke around, saying, 'I don't want to know what you told the University Admissions committee. I want to know what you really meant.' Then I tell them: go back and check that every once in a while, before exams when you're feeling a bit stressed out, or when you're looking at jobs, or coming into second year."

Perrin also assists the Career Development Office with putting on an international careers session annually, asking students who have completed internships abroad to speak about their experiences.

He believes "there are many paths to do this, whether it's in a private firm, in government, as a researcher or an academic, or with an international organization or NGO. We really live in an era, finally, where you can have a career in international law beyond the very, very small handful of jobs that used to exist. Now, the opportunities for our students to do international legal work around the world has really expanded exponentially in the last decade."

And Perrin's desire to motivate does not stop at his students. He offers this final challenge to Canadians as a whole:

"Unfortunately, our vision of who we are as Canadians often isn't matched up with the actions that we're taking. We need to continue to challenge ourselves and really look at what are the challenges facing our generation. And to not be confident to rest on Canada's reputation as a human rights champion or peacekeeping nation, or even our role in past world wars, but to really look today at what are the problems facing us now in our city and our province and our country and the world, and realize how can we rise to those challenges." ●

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## Bethany Hastie 2009, J.D.

By Joe Wiebe

"Maybe some people would call it naïve, but I've always wanted to see the world and make a difference," explains Bethany Hastie (née Tapp) (2009, J.D.).

While studying at UBC, Hastie was inspired by working with Professor Perrin on his Human Trafficking Working Group. "I saw what he did and I realized I wanted to do that. I was really lucky that I got to work with a professor who is a great mentor."

Perrin encouraged her to volunteer with the BC Human Trafficking Office and supervised a paper she wrote entitled "Doing Canada's Dirty Work: A Critical Analysis of Law and Policy to Address Labour Exploitation and Trafficking," which she later presented at a conference at the University of Toronto's Centre for Diaspora and Transnational Studies.

Although her career path isn't as clearly laid out as it is for some of her former classmates who are pursuing more traditional jobs, she takes the challenge in stride: "It's better to have an idea of what I want to do, rather than where I want to work."

Her next step on that path is completing a Masters in Law at the Institute of Comparative Law at McGill University focused on "immigration and economic policies in human trafficking."

Looking back at her tenure at UBC, Hastie has a few words of advice for current students contemplating an international career path. "The biggest thing is you really have to go and seek it out. There are always good resources, but you need to find a professor to work with or try and get in with organizations that are doing things you enjoy. It's definitely one of those things where you have to make your own way."