

# OnManitoba

CONNECTING ALUMNI AND FRIENDS OF THE UNIVERSITY OF MANITOBA



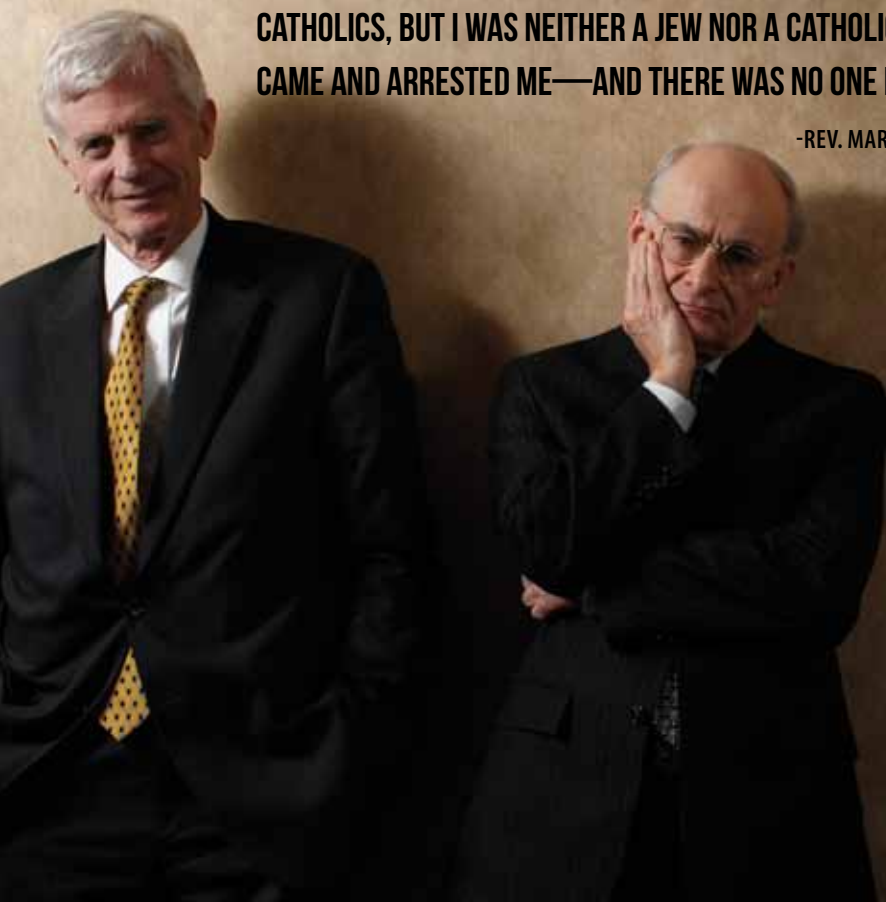
STORIES FROM THE  
FRONTLINES

# HUMAN RIGHTS

ALSO IN THIS ISSUE: 7 Farewell Taché Hall | **center spread** faculty and school inserts | 22 Celebrating student leaders  
25 How to preserve your family history at the U of M

“ FIRST THEY ARRESTED THE COMMUNISTS—BUT I WAS NOT A COMMUNIST, SO I DID NOTHING. THEN THEY CAME FOR THE SOCIAL DEMOCRATS—BUT I WAS NOT A SOCIAL DEMOCRAT, SO I DID NOTHING. THEN THEY ARRESTED THE TRADE UNIONISTS—AND I DID NOTHING BECAUSE I WAS NOT ONE. AND THEN THEY CAME FOR THE JEWS AND THEN THE CATHOLICS, BUT I WAS NEITHER A JEW NOR A CATHOLIC AND I DID NOTHING. AT LAST THEY CAME AND ARRESTED ME—AND THERE WAS NO ONE LEFT TO DO ANYTHING ABOUT IT. ”

-REV. MARTIN NIEMOELLER, NAZI PRISON SURVIVOR



Human rights crusaders  
David Kilgour [BA/62] and  
David Matas [BA/64],  
Minto Suite Hotel,  
Ottawa, Ont., Dec. 7, 2010

# 16

 David Kawai

## 8 Around Campus

Say goodbye to Taché Hall (and share your memories . . . if you dare); take a closer look at the U of M's new Active Living Centre; check out some of our coolest architects; learn about a top flight new partnership with the Canadian Air Force; and celebrate some successes from the 2010-11 Bison season

## 22 Alumni Association News and Events

We celebrate student leaders, prepare to move to our new campus digs and launch a new program that's certain to make you "cheers"

## 25 Giving Back

A better home for your historical gems than the attic; the medicine grads who pooled their resources; a law professor's love for legal history; and the new study space for science students (say that five times really fast)

## 29 Through the Years

## 12 President's Message

## 13 Pressing the Issue

How the U of M is advancing knowledge of human rights

## 20 Fair Judgement

Kimberly Prost [LLB/81] deals with accused war criminals and suspected terrorists

# AND JUSTICE FOR ALL

THEIR PERSONALITIES ARE NOTHING ALIKE.  
ONE, RESERVED, INTENSELY PRIVATE, A MAN  
OF FEW WORDS, CONSUMED BY HIS WORK.  
THE OTHER, GREGARIOUS, A FAMILY MAN,  
THE CONSUMMATE PUBLIC FIGURE.

But these two lifelong friends also share much in common. Foremost is their passion for defending human rights, an ongoing pursuit that brought them together, in May 2006, to investigate the government of China's systematic killing of Falun Gong practitioners for their organs.





✱ **Falun Gong** (or Falun Dafa) is an ancient discipline which encourages good ethical standards for cultivating body and character. It contains the essence of traditional cultivation systems, like Buddhism and Daoism (Taoism), combined with a set of gentle exercises. Its core principles are “truth, compassion and forbearance”. It today reaches millions of people of diverse backgrounds in more than one hundred countries. (source: excerpted from david-kilgour.com/2010/May\_21\_2010\_01.php)

Three years later, David Matas and David Kilgour co-authored a book, *Bloody Harvest*, detailing evidence of this horrific practice as well as the steps necessary to bring it to an end. The narrative is chilling. Since 1999, the Chinese party-state has been arresting members of the Falun Gong—whose beliefs and practices are based on the Taoist and Buddhist tenets of truth, compassion and forbearance—and keeping many in forced labour camps as a source of organs for transplant.

“When I first heard of this, my hope was that it was not true,” says Matas, a renowned immigration and refugee lawyer whose clients have included several victims of human rights abuse. “I like to think better of humanity than that.”

“It was hard to comprehend that this could be happening in the 21st century,” echoes Kilgour. As eight-term Member of Parliament for Edmonton and former minister of state to Latin America, Africa and Asia-Pacific, he has also been exposed to many examples of human rights violations. This, he says, is among the worst.

Only four months into their research, neither of the two Davids had any doubt that these atrocities were indeed taking place. “When I came to the conclusion, that this was happening, I then decided I had to do something about it,” recalls Matas. That “something” was an advocacy campaign for which he and Kilgour have written countless letters, given numerous presentations and visited more than 50 countries, always working as volunteers.

Their efforts have been met with anger, bullying and threats from Chinese officials. Denied entry into China, Kilgour and Matas have been subjected to intimidation by agents of the Communist Party of China (CPP) operating in nations around the world. “When we provide[d] information, the CCP countered with disinformation,” Matas told an audience at the University of Western Australia in a speech delivered to the International Conference on Human Rights Education. “When we invited people to meet with us, the CCP tried to discourage them from attending. We have been slandered, boycotted, picketed, and threatened. The global Chinese Communist Party/State campaign against our work is unlike anything we see from any of the other major human rights violators.”

The threats range in intensity. In 2007, Matas received a potentially damaging computer virus while arranging to speak about the Falun Gong killings in Australia. That same year, when he was speaking at Columbia University, the Chinese Students and Scholars Association posted a threat on its website saying: “Anyone who offends China will be executed no matter how far away they are.”

This was followed by a direct threat by a Chinese government police official participating via Internet at an Australian Forum where Matas was speaking. “Are you afraid of death?” he asked Matas. “You are brutally interfering in our Party’s internal policies. Are you afraid of our revenge? Our revenge against you, we’ll take revenge against you, are you not afraid of that?”

Then there was the drive-by shooting at the offices of the Epoch Times. At the time, the newspaper was hosting Matas who was speaking at a public forum in Queensland.

These incidents leave no doubt that advocating for the human rights of the Falun Gong is dangerous work. Yet the Davids have continued, undeterred.

“We didn’t think we’d still be doing this four years later,” notes Kilgour. “But we’ve been learning and adding to our concerns while spreading the word about what’s been happening.”

He recalls the phone call he received from The Coalition to Investigate the Persecution of the Falun Gong in China. (Matas received a separate phone call asking him to volunteer. The Coalition was unaware that they knew each other.) Although they had both heard the rumours, it was the first time anyone had asked them to become involved in proving that the allegations of systematic organ harvesting were true. It was also the first time that Kilgour and Matas would have the opportunity to work together.

The two Davids agree they likely met as students at the University of Manitoba. Born in Winnipeg in 1941, only two years before Matas, Kilgour had started his post-secondary studies at the age of 16. He was well on his way to a BA in economics when the younger David also enrolled at the U of M, eventually graduating with double honours in mathematics and economics.

As students, both were involved in campus politics at one point or another. Kilgour was the arts faculty representative to UMSU in the 1959-1960 academic year. He also participated in the model parliament and played hockey.

In his first year, Matas was president of the Science Students Association, while, in his second, he was elected to represent the students of the Faculty of Arts. At the same time, he was actively involved in Hillel (Jewish Students Association) and the Young Liberals.

After completing their U of M degrees, both freshly minted undergraduates headed for law school—but for very different reasons. “It was a career more in tune with my own inclinations,” explains Matas. “Math was very logical, but not very verbal. Economics was much too focused on monetary issues.” On the other hand law was verbal, logical, and dealt with a broad range of option, hence, an excellent career choice for the serious young man.

Kilgour, on the other hand, was not so inclined. After exploring a wide range of possibilities via an unusual succession of summer jobs (a trail rides guide in Banff National Park; a copy writer for the Winnipeg Free Press and, a labourer-teacher on a steel gang with Frontier College in Northern Ontario), the son of former Great West Life president, David E. Kilgour [BA/34] and Mary (Russell) [BA/34], acquiesced to his father’s wishes that he become a lawyer.

“My parents always said, ‘do what you want and do it well,’” recalls the junior Kilgour, adding that, nonetheless, his father drew the line at a career as an economist. “I had great love and respect for him so I did what he suggested. But I hated law school with a passion.”

In retrospect, he adds, it was a good decision, one that would take him on the path of a career he enjoyed more than he could have ever envisioned at the time. So in 1966, while Matas was working on his bachelor of arts in jurisprudence from the University of Oxford in

✱ David Kilgour and David Matas were nominated for the **2010 Nobel Peace Prize** for their work related to the investigation of organ harvesting crimes against Falun Gong practitioners in China. In his nomination to the Nobel committee, MP Boris Wrzesnewskyj said awarding the prize to Matas and Kilgour “would help the world realize that liberty, human rights, and the rule of law can be won by determined peaceful acts of conscience.” (source: [theepochtimes.com/n2/content/view/24992/](http://theepochtimes.com/n2/content/view/24992/))

England, Kilgour graduated with a law degree from the University of Toronto.

The following year, he was working as an assistant city prosecutor in Vancouver when Trudeaumania swept the country. It would be Kilgour's first foray into politics. In 1968, he ran as the Conservative candidate for Vancouver Centre, losing by 17,000 votes.

Despite his loss at the ballot box, Kilgour nonetheless headed for Ottawa, not as an MP, but as a litigation counsel for the Department of Justice. Coincidentally, Matas was working in the capital as well, as a law clerk to the chief justice of the Supreme Court of Canada.

Two years later, their paths would cross again, this time affording a greater opportunity for developing their friendship. The setting was the University of Paris. Matas was engaged in some heady research for the Government of Canada's Foreign Ownership Working Group. Kilgour was attempting to master la langue de Molière while studying constitutional law.

“We saw a lot of each other in Paris,” recalls Kilgour, who was living at the Alliance Française at the time. “We used to meet and commiserate about trying to learn French.” Four years later, when he married Laura Scott in Edmonton, Matas attended the wedding.

The years surrounding the nuptials would prove decisive for each of the Davids. After Paris, both lawyers went to work in Winnipeg with mid-sized law firms. Kilgour vividly remembers the case that would change both his career and his perspective. The client was a member of the Inns of the Court of Britain who had emigrated from Malaysia to take up an articling position for which the Manitoba Law Society had confirmed he was qualified. Upon arrival, however, he was instructed to write an exam on common law principles. After failing twice he was reduced to working in a tannery.

Unfortunately, Kilgour's firm at the time had recently merged with the one representing the Law Society. Rather than drop the case, he quit the firm and went out on his own. “That's when I realized that I liked being a prosecutor better than a defense counsel,” he explains. Shortly thereafter, he moved to Edmonton to take a position as a crown attorney, and later, also a constitutional advisor to the (Peter) Lougheed government.

During this time period, Matas was working as an associate with Schwartz, McJannet, Weinberg. One of his clients was a Chilean refugee claimant fleeing persecution by the Pinochet regime. “Canada had a very fragmented system at the time,” recalls Matas. “At no point did you get interviewed by someone who decided your case.” Instead a local officer taped each claimant's statement and the transcripts were sent to Ottawa to be read by members of a committee which advised the Minister's delegate as to whether the claim should be accepted or rejected. No reasons for the decision were ever released, making an appeal difficult.

However, when Matas' client was refused refugee status, the young lawyer asked the court to compel the government to release the reasons so he could formulate an effective appeal. Applying the administrative law principals he had studied at Oxford, Matas was able to win the case. A little more than two months after the ruling, the Government of

Canada changed its policy to provide the reasons henceforward.

“This was a good start,” says Matas, adding that the case garnered significant media attention. In fact, that dual impact—on government policy and on the life of a refugee claimant—would affect Matas in two different ways as well.

Early in his life, he had developed an awareness of injustice and the need to take a stand.

He remembers vividly when, at the age of eight or nine, he first learned of the Holocaust. “It was just so out of sync with the world I knew around me,” he recalls. “I just couldn't understand how it could have happened. I was horrified. To me it didn't make sense. So I wanted to make some sense out of it.”

After the case of the Chilean refugee, that path started to become clearer. Matas became involved with B'nai Brith and Amnesty International. At the same time, he made the decision to run for politics. In 1979 and 1980, he ran as the Liberal Candidate in Winnipeg-Assiniboine, finishing in second place both times.

He was at another fork in the road. “It was a combination of getting involved in human rights and my not succeeding in politics that made me realize that I would be more effective in dealing with human rights through law than through politics,” explains Matas.

By the early 1980s, he was on his own, running a private practice that focused on refugees, immigration and human rights. The body of work that followed has been well documented in legal annals and the popular press throughout the years, recognized in 2008 with an appointment to the Order of Canada.

In the early years, there was no Canadian immigration section at the Canadian Bar and Matas was only one of two lawyers specializing in refugee claims. That is certainly no longer the case. Just as Canadian jurisprudence has evolved, so has Matas's practice, encompassing various forms of advocacy as well as legal work.

“I always had, at the back of my mind, wanting to act on the lessons I learned from the Holocaust and what that something was became more focused over time,” he says.

While Matas was finding his focus through law rather than politics, Kilgour was doing exactly the opposite. Prompted to run again in 1979 partly in hopes of addressing Western alienation, he won handily as a Conservative in Edmonton's most multicultural riding, populated by immigrants from Afghanistan to Zaire.

“Nothing could happen in the world without someone coming to see me about it,” recalls Kilgour.

That was certainly the case when the Indian Army invaded Sri Lanka in 1987. A relative of one of Kilgour's constituents was shot in their home village. From that point on, the MP became increasingly involved in forums such as the lead up to the Sri Lanka Peace Agreement, among many others. Serving as a Liberal MP—after being expelled from Conservative Caucus by Brian Mulroney for criticizing the government's record of tackling Western alienation and voting against the GST—he represented Canada around the world, including Asia.

continued on page 36

## Matas & Kilgour continued from page 19

But as a government representative, Kilgour was unable to voice his concern for human rights publicly, despite becoming aware of such violations as the persecution of the Falun Gong. “When I went to China at the time, I couldn’t really mention that issue,” he explains. “I felt extremely badly about that afterwards, especially today, with what I know now.” Since leaving government in 2006, Kilgour has been very vocal on the subject of human rights abuses in China, as well as in Burma, Zimbabwe, Iran and Sudan.

In 2007, he and Matas participated in a mock genocide trial in New York that found Sudanese President Omar Hassan El Bashir guilty of genocide in Darfur and South Sudan. Three years later, the International Criminal Court (ICC) issued a warrant for El Bashir’s arrest. Although both Davids realize the warrant will not be carried out by the current Sudanese government, they value this symbolic step. “The ICC will eventually become important,” says Matas, a member of the Canadian delegation to the United Nations ICC Conference in 1998. “It will help prevent impunity. Having no punishment for a crime makes it much easier for it to be committed.”

In a speech delivered at Ben Gurion University on August 26, 2010, Matas goes even further: “The lessons I have drawn from

the Holocaust are the need to bring to justice mass murders; to ban hate speech; to protect refugees; and never to accept in silence gross violations of human rights, wherever they occur.”

Speaking out against injustice has already been effective in addressing the Chinese government’s organ harvesting among the Falun Gong. Thanks to the tireless advocacy of Kilgour and Matas, the government of Israel has stopped paying for its citizens to go to China for transplant surgery and the European Union has banned transplant tourism to China altogether. Meanwhile, despite denying that organs are being systematically harvested from the Falun Gong, the government of China has admitted to using prisoners as a primary source of organs and declared the practice improper. Although the harvesting continues, China’s launching of an organ donation system with priority access to its citizens is a positive step towards its cessation.

“It’s only a matter of time before it will stop,” says Kilgour, adding that, until then, he and Matas will continue their fight. Every week or two, together or separately, they fly to another destination to deliver their message.

While Kilgour works on speeches or e-mails family and friends, Matas usually spends his time in the airport with an open briefcase,

working on his pleadings for the following week. “Nobody I’ve ever met works as hard as David,” says the retired politician. “He never stops.”

“I never drop a human rights cause until it’s resolved,” admits Matas. “I’ll be at it until the problem disappears—or I disappear.”

“The forms and locations of repression change,” he continues, “but the fact of repression remains. It’s a matter of realizing this is a threat which can arise at any time and any place. But for me to get distraught and emotional doesn’t help anyone. My contribution has to be more than empathy. A lot of what I’m trying to do is to sensitize and mobilize as many people as possible to get involved in as many angles as possible. We’re all part of the same human race. Crimes against humanity are crimes against us all.”

The result of Falun Gong investigations was a preliminary report released in July 2006. A second report, with new substantiations, was released in January 2007. The book, *Bloody Harvest* is larger than the reports and contains previously unpublished materials. [organharvestinvestigation.net](http://organharvestinvestigation.net)



## Prost continued from page 21

“We said, ‘Let’s take a stab at the LSATs,’” recalls attorney Colleen Kovacs, who has been friends with Prost since their days at St. Mary’s Academy. “It was a little bit on a lark.”

Prost scored high on the test and ended up graduating in 1981 a gold medalist from the U of M’s Faculty of Law.

“It was very stressful because (in) my first year, where I was top in the class, I got a number of awards,” says Prost. “Then, the pressure was really on. That was hard.”

Today, Prost is faced with another demanding task. Her ombud position was created after the 1267 committee was criticized for not providing alleged terrorist sympathizers with sufficient due process or a way to argue their innocence.

Prost’s job is to investigate the claims of those who believe they have been incorrectly put on the list. She seeks assistance from foreign governments and other sources on why particular citizens have been named and discusses what she can with the individuals in question for their response.

“The initial listings of many people occurred after 9-11, and I think it would be acknowledged that the process at the time was quite opaque,” says Prost. “It’s a very effective tool against something like Al-Qaida. But to be effective, it has to be targeting the right people for the right reasons.”

One example of a controversial listing is that of Sudanese-Canadian Abousfian Abdelrazik. Abdelrazik was arrested—but never charged—during a visit to Sudan in 2003. Since then, he has been cleared by both Sudanese and Canadian authorities of any wrong-doing. Nevertheless, he remains on the no-fly list.

Prost says she already has six cases she is working on, but declined to specify the individuals in question.

Joanne Mariner, the director of the terrorism and counter-terrorism program at Human Rights Watch, says weaknesses with the ombud position remain. For instance, Prost presents information as well as her analysis on individual cases to the committee, but it’s up to the latter to decide whether to remove an individual from the list. Still, Mariner says the

ombud position is a move towards reforming a committee that lacks oversight.

“Because it hasn’t existed in the past, everyone’s waiting to see how Kimberly Prost is going to interpret her mandate and how aggressive she’s going to be,” says Mariner. “She is a very qualified person in the sense of human rights, and that gives confidence that she’ll understand perfectly well the flaws in this process and be knowledgeable and strategic enough to know how to constructively press for reforms.”

It’s yet another position that promises its share of pressure. Fortunately for Prost, she’s got plenty of experience in her reserve—whether it be how to weather a \$50-million lawsuit or how to adjudicate a war crime.

“When I got to the U.N. and people would come in to me and be in a complete state of oh my god, this is a catastrophe, I’d say, ‘You know, actually, in the big picture . . .’” says Prost. “Now that I’ve sat on a genocide trial, it’s like really—you’ve got to put stuff in perspective.”