IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS

in the case of

ACTIVE MEMORY Civil Association

Applicant

against

ARGENTINA

Respondent

WRITTEN SUBMISSIONS OF *AMICI CURIAE* INTERVENERS

5 October 2022

A. Introduction

1. These submissions are made by Agora International Human Rights Group (Russia), American Civil Liberties Union, Canadian Civil Liberties Association, Egyptian Initiative for Personal Rights (EIPR), Hungarian Civil Liberties Union, Irish Council for Civil Liberties, Kenya Human Rights Commission, KontraS (Indonesia), Legal Resources Centre (South Africa) as *amici curiae*. The interveners are NGOs who are members of the International Network of Civil Liberties Organizations (INCLO).[1] The details on individual interveners are provided in the appendix.

2. Respect for human rights in surveillance operations is among the priorities of INCLO work. Among the problems that arise within this issue is access to information collected by State authorities in carrying out intelligence activities. Such access is key to assessing whether the acts or omissions of the bodies and officials engaged in intelligence activities are lawful and comply with international human rights standards.

3. One of the findings of the Commission's merits report of 14 July 2020 no. 187/20 in the present case is that the right of access to information under Article 13 of the American Convention on Human Rights was violated (paras. 326 and 335). This aspect of the case brings it within the areas of INCLO expertise and justifies its member organisations' interest to intervene.

4. In the present case the Commission found a violation of the right to life guaranteed by Article 4 of the American Convention. Insofar as access to the information gathered by surveillance is relevant to the assessment of the State's compliance with different aspects of the right to life, the issues under Article 4 will also be discussed.

5. These submissions will present a summary of the relevant case-law of the European Court of Human Rights ("ECtHR"), as well as international law. The issues comparable to those of the present case were extensively decided by the ECtHR, yet the Commission's report makes no reference to those judgments. Consequently, the interveners are of the opinion that the present submissions will assist the Court.

6. These submissions will proceed as follows. With reference to the right to life, access to the information held by the intelligence bodies and officials will be discussed, firstly, with regard to the obligation to prevent the loss of life (section "B" below)

[1] www.inclo.net

and, secondly, to investigate it (section "C" below). This will be followed by a summary of the case-law on the general right of access to information (section "D") below.

B. Intelligence data and the obligation to prevent the loss of life

7. The obligation to take measures to protect the right to life was first established in the case-law of the European Court of Human Rights in the case of *Osman v. The United Kingdom*. The ECtHR affirmed that Article 2 of the European Convention on Human Rights ("European Convention" or "ECHR") protecting the right to life "enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction" (judgment of 28 October 1998, Reports 1998-VIII, para. 115).

8. What was later named "*Osman* test" was formulated in the following terms:

> where there is an allegation that the authorities have violated their positive obligation to protect the right to life in the context of their above-mentioned duty to prevent and suppress offences against the person, it must be established to its satisfaction that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk (*ibid.*, para. 116).

9. Later the ECtHR accepted that the positive obligation under *Osman* may apply not only to situations concerning the requirement of personal protection of one or more individuals identifiable in advance as the potential target of a lethal act, but also in cases raising the obligation to afford general protection to society (as in *Maiorano et autres c. Italie*, n° 28634/05, 15 décembre 2009 ; *Choreftakis et Choreftaki c. Grèce*, n° 46846/08, 17 janvier 2012).

10. The *Osman* test is accordingly as follows:

- whether the authorities knew of the risk to life;
- whether the risk to life was real and immediate;
- whether the authorities were able to take preventive measures;
- whether the measures taken might have reasonably avoided the risk.

11. Yet, as the development of the European case-law demonstrates, the evidence that the respondent State has or has not complied with the *Osman* test means that an

international court seized of the matter is called upon to assess intelligence information.

12. In the context of the obligation to protect the right to life in the course of anti-terrorist operations, two Russian cases provide examples of the application of the *Osman* test. The first of the two cases is *Finogenov and others v. Russia* (nos. 18299/03 and 27311/03, 21 December 2011), concerning the hostage-taking at the Nord-Ost theatre in Moscow (hereinafter, "the Nord-Ost case"). The second is *Tagayeva and others v. Russia* (nos. 26562/07 *et al.*, 13 April 2017), concerning the hostage-taking in the School no. 1 of Beslan, Republic of North Ossetia — Alania (hereinafter, "the Beslan case").

13. In the Nord-Ost case after two days of siege of several hundreds of hostages in a theatre the Russian security forces injected gas to make both hostages and hostage-takers asleep. Yet, the use of gas resulted in hostages being incapacitated; the doctors not having been informed of the composition or effects of the gas, there have been over a hundred deaths among the hostages. Positive obligation under Article 2 ECHR was, however, not engaged, as there was no evidence that the authorities had had any specific information about the hostage-taking being prepared (*Finogenov and others v. Russia*, cited above, para. 173).

14. The situation was different in the Beslan school hostage-taking case, the above-cited *Tagayeva and others v. Russia*. On 1 September 2004, the day of the opening of the academic year in Russia, a group of at least 32 terrorists took hostage more than 1,000, of which 854 were children. After three days of crisis a counterterrorist operation was conducted by the Russian security forces, killing all but one terrorist; 186 of the 333 hostage casualties were children.

15. In the domestic criminal proceedings that followed, the Russian Ministry of Interior disclosed multiple telexes and telegrams sent between the Moscow headquarters and the North Ossetia department (one is reproduced verbatim in para. 16 of the *Tagayeva and others* judgment). Those documents contained information on the date, location and type of the terrorist attack and clearly demonstrated that the Ministry of Interior had had prior knowledge of the preparation of the attack, its targets and methods. Virtually no preventive measures were taken, so the terrorist attack proceeded having met only a couple of unarmed policemen's resistance.

16. The victims who took their case to the ECtHR were able to obtain an expert opinion from two UK anti-terrorist professionals (summary: *ibid.*, paras. 436-451). The experts concluded that the level of detail available even from the relatively "sanitised versions" in the telexes and other communications indicated that there might have been a "covert human intelligence source" in the terrorist group, as well as technical coverage, such as the interception of communications (*ibid.*, para. 437).

17. The ECtHR analysed the Beslan case, in particular, from the standpoint of the positive obligation to protect life, applying the above-cited *Osman* test. The application of the principles concerning the positive obligations under Article 2 ECHR (set out in paras. 7-11 above) in the Beslan case led to a violation of that provision.

18. The Court's analysis and the application of the *Osman* test (set out in para. 10 above) was as follows. As to the first step of the test (advance knowledge of the threat), the Court relied on the telexes and telegrams of the Ministry of Interior and accepted the expert opinion commissioned by the applicants. It agreed with the applicants that at least several days in advance the authorities had sufficiently specific information about a planned terrorist attack in the areas around Beslan and targeting an educational facility on 1 September (*Tagayeva and others*, paras. 485-486).

19. Under the second step of the *Osman* test (risk must be real and immediate), the Court considered that the intelligence information likened the threat to major attacks undertaken in the past by the Chechen separatists, which had resulted in heavy casualties. A threat of this kind clearly indicated a real and immediate risk to the lives of the potential target population, including a vulnerable group of schoolchildren and their entourage who would be on 1 September 2004 in the area (*ibid.*, para. 491).

20. The third step of the *Osman* test (authorities being able to prevent the threat) led the Court to conclude that the Russian authorities had a sufficient level of control over the situation and could be expected to undertake any measures within their powers that could reasonably be expected to avoid, or at least mitigate this risk (*ibidem*).

21. Finally, assessing the fourth step of the test (measures actually taken and aimed to avert the risk), the Court found that the available intelligence information did not

indicate any attempts to address the threat (*ibid*., para. 488). The absence of a coordinating structure that would be tasked with centralised handling of the threat, preparing adequate responses, allocating resources and securing constant feedback with the field teams was found to have been critical to the execution of the terrorist attack and the loss of life (*ibid.*, para. 490). Although some measures were taken, in general the prevention could be characterised as inadequate. The terrorists were able to successfully gather, prepare, travel to and seize their target, without encountering any preventive security arrangements (*ibid*., para. 491).

22. It is a clear conclusion from the Beslan case, especially when contrasted with the Nord-Ost case (*ibid.*, para. 483), that the ECtHR was only able to assess Russia's compliance with the positive obligation to protect life only thanks to the disclosure of internal intelligence information, however sanitised, available to the Russian authorities. The domestic charges, the expert opinion obtained by the applicants during the ECtHR proceedings and the Court's findings were all based on the telegrams and telexes sent to and from Moscow. The crucial nature of such disclosure means it cannot be left at the discretion of the respondent State in international human rights proceedings.

C. Intelligence data and the obligation to investigate the loss of life

23. The obligation to investigate loss of life is well-established under the European Convention, irrespective of whether death is attributable to the State or to a private individual (*McCann and others v. the United Kingdom*, judgment of 27 September 1995, Series A no. 324, para. 161). The investigation should lead to the identification and punishment of those responsible. Importantly, as the Court reiterated on multiple occasions, including as a Grand Chamber, it must be accessible to the victim's family to the extent necessary to safeguard their legitimate interests. There must also be a sufficient element of public scrutiny of the investigation, the degree of which may vary from case to case (*Ogur v. Turkey* [GC], no. 21594/93, 20 May 1999, Reports 1999-III, para. 92; *Hugh Jordan v. the United Kingdom*, no. 24746/94, 4 May 2001, para. 109; *Varnava and others v. Turkey* [GC], nos. 16064/90 *et al*., 18 September 2009, ECHR 2009-V, para. 191; *Giuliani and Gaggio v. Italy* [GC], no. 23458/02, 23 March 2011, ECHR 2011-II, para. 303).

24. However, disclosure or publication of police reports and investigative materials may involve sensitive issues with possible prejudicial effects to private individuals or other investigations and, therefore, cannot be regarded as an automatic requirement under Article 2 ECHR. The requisite access of the public or the victim's relatives may therefore be provided for in other stages of the procedure (see, among other authorities, *McKerr v. the United Kingdom*, no. 28883/95, 4 May 2001, ECHR 2001-III, para. 129). Moreover, Article 2 ECHR does not impose a duty on the investigating authorities to satisfy every request for a particular investigative measure made by a relative in the course of the investigation (see *Ramsahai and others v. the Netherlands* [GC], no. 52391/99, 15 May 2007, ECHR 2007-II, para. 348; *Giuliani and Gaggio*, cited above, para. 304).

25. Consequently, there is a balancing test to exercise when disclosure or publication of police reports and investigative materials may involve sensitive issues with possible prejudicial effects on private individuals or other investigations and therefore cannot be regarded as an automatic requirement under Article 2 of the European Convention (right to life). According to the Grand Chamber of the ECtHR, the requisite access of the public or the victim's relatives may therefore be provided for in other stages of the procedure than the investigation itself (*Armani da Silva v. the United Kingdom* [GC], no. 5878/08, 30 March 2016, para. 236).

26. In the above-cited *McKerr* case, which concerned the killing of unarmed men by police officers of a specially trained mobile support unit of the Royal Ulster Constabulary in Northern Ireland, a procedural violation of Article 2 ECHR was found. The ECtHR had regard, in particular, to the intelligence information withheld by the police from the investigation, namely, that the three police officers were instructed not to reveal to the RUC officers investigating the shooting that they were Special Branch officers and were working on information obtained from intelligence operations. To the ECtHR, it raised legitimate doubts as to the overall integrity of the investigative process (para. 127).

27. In the Nord-Ost case, the Russian Federal Security Service (hereinafter, the "the FSB", according to its Russian acronym) failed to disclose, in both domestic investigation and international proceedings, the formula of the gas in the counterterrorist operation to make terrorists and hostages asleep. The ECtHR criticised this while assessing the effectiveness of the investigation, made "manifestly incomplete" by the non-disclosure (*Finogenov and others*, para. 277).

28. A further issue of the ECtHR assessment was the Russian Government's failure to disclose the crisis cell's working papers on the pretext that they had been destroyed. The European Court underscored that as a result, nobody knew when the decision to use the gas had been taken, how much time the authorities had had to evaluate the possible side-effects of the gas, and why other services participating in the rescue operation had been informed about the use of the gas with considerable delay. The Court dealt with the issue of a possible reference to the sensitive nature of intelligence information as follows: it concluded that the destruction or non-disclosure of all crisis cell documents, be it on general preparations, distribution of roles amongst members, logistics, methods of coordination of various services involved in the operation, etc., lacked any justification and was thus an aspect of a procedural violation of Article 2 ECHR (*Finogenov and others*, para. 279).

29. In the Beslan case the victims were precluded from having access to multiple documents collected by the investigation. The documents sought by the victims concerned the causes of death and injuries of the hostages and information about the lethal force used by the State agents during the storming, as well as the origins and nature of the explosions which had occurred in the school, including expert reports and questioning records of the high command of the Russian security forces in charge of the operation. The bulk of the documents to which the victims were denied access had been drawn up by the Russian intelligence agency, the FSB, or concerned its actions. Domestic courts replied that it was within the investigators' discretion to disclose those documents or not or that the documents were confidential (*Tagayeva and others*, paras. 263-267).

30. The ECtHR affirmed that the documents to which the applicants were trying to gain access to involved the issues that went to the very heart of the victims' concerns and their inability to obtain adequate answers in the domestic proceedings and which subsequently led them to complain to the Court (*ibid*., para. 532).

31. The ECtHR was further critical of the negative decision of the Russian investigative and judicial authorities, as the victims who had lost their family members or received injuries in the disputed circumstances had a legitimate right to be fully acquainted with the important documents and to be able to participate effectively in challenging their results. It thus appeared unjustifiable to the Court that those documents had not been made available to the victims. It concluded that the victims' inability to fully acquaint themselves with the findings of the investigation and

challenge their results seriously affected their legitimate rights in the criminal proceedings (*ibid.*, para. 535), that is to learn what was the cause of death of their relatives (from the expert reports) and who bore responsibility for that (from the interrogation records of the officers in charge of the operation). The Court thus found a violation of the obligation to investigate the loss of life under Article 2 ECHR.

32. The ECtHR in the Beslan case also emphasised the public interest in the matter: the value of the documents sought lay precisely in dispelling public doubts about the circumstances of the deaths and injuries suffered by the hostages (*ibidem*). It further underscored that where allegations are made against security and military servicemen, the element of public scrutiny plays a special role, and if the investigation bases its conclusions on confidential documents prepared by the staff of the same agencies that could be held liable, it risks undermining public confidence in the independence and effectiveness of the investigation and gives the appearance of collusion in, or tolerance of, unlawful acts (*ibid.*, para. 537).

33. Conversely, no violation was found in the above-cited *Armani da Silva* case. It concerned the erroneous killing of a Brazilian national Mr. Jean Charles de Menezes by London Metropolitan Police in the wake of the London bombings of 7 July 2005. The police mistakenly believed that Mr. de Menezes was a Mr Osman, a suspect in further expected bombings. While no police officer eventually stood trial, the ECtHR confirmed, among many other factors (including thorough investigation, legal aid and compensation), that the deceased's family were given regular detailed verbal briefings on the progress of the investigation and together with their legal representatives (para. 241). Access to multiple intelligence documents was provided to the victims and to the public, they are summarised in the Grand Chamber judgment (paras. 39-72).

D. Right of access to information under European and international law

34. Both Article 19 of the International Covenant on Civil and Political Rights ("ICCPR") and Article 10 of the European Convention guarantee access to the government-held information. While these provisions were interpreted relatively restrictively, important principles were established while applying Article 19 ICCPR and Article 10 ECHR. They are relevant insofar as not only the close relatives of the deceased

may have access to the intelligence information, but, under certain conditions, wider groups of individuals, like human rights defenders or researchers.[2]

35. In *Toktakunov v. Kyrgyzstan,* the U.N. Human Rights Committee reviewed a denial of a request by a human rights activist to the Ministry of Justice to provide information on the number of detainees on death row. The Ministry of Justice had denied the request claiming that the requested information had been classified.

36. The Human Rights Committee accepted the argument that the applicant has an interest to seek the information on death row detainees. It noted that the decision to classify the requested information failed to meet the lawfulness criteria of Article 19 ICCPR (comm. no. 1470/2006, 28 March 2011, paras. 7.4, 7.6). This is consistent with the approach of the International Court of Justice that the State's compliance with international treaties "cannot depend simply on that State's perception" (for the same approach under general international law see *Whaling in the Antarctic (Australia v. Japan),* ICJ Reports 2014, p. 251, para. 61).

37. Having regard, in particular, to *Toktakunov* and to the case-law of the Inter-American Court of Human Rights, the ECtHR formulated its interpretative approach to the right to receive information under Article 10 ECHR in *Magyar Helsinki Bizottság v. Hungary* ([GC] no. 18030/11, 8 November 2016). ECtHR ruled that the right to receive information arises in circumstances where access to the information is instrumental for the individual's exercise of his or her right to freedom of expression (para. 156); this involves journalism and the activities of NGOs seen as "public watchdogs". In assessing compliance with this right the ECtHR would have regard to the nature of information sought, the role of the applicant and the availability of the information sought.

38. Sensitive, confidential or intelligence nature of information does not preclude a request for the provision of such information. Thus, in an earlier case of *Youth Initiative for Human Rights v. Serbia* (no. 48135/06, 25 June 2013, cited with approval by the Grand Chamber in *Magyar Helsinki Bizottság*) the applicant NGO requested the intelligence agency of Serbia to inform how many people had been

[2] An issue of access to information may also arise in the context of covert operations of intelligence services, this being a matter different from those raised in the present case (see, e.g., ECtHR, *Roman Zakharov v. Russia* [GC], no. 47143/06, 4 December 2015, ECHR 2015-VIII; *Szabo and Vissy v. Hungary*, no. 37138/14, 12 January 2016; *Big Brother Watch and others v. the United Kingdom* [GC], nos. 58170/13 *et al.*, 25 May 2021; Constitutional Court of South Africa, *AmaBhungane and another v. Minister of Justice and others*, [2021] ZACC 3).

subjected to electronic surveillance by that agency. The refusal was based on the secret nature of the information sought, but the ECtHR ruled that the response had been unpersuasive and arbitrary as it did not undermine the legitimate interest in keeping State or official secrets (*Youth Initiative for Human Rights*, paras. 25-26).

39. Conversely, Article 10 ECHR was complied with in a recent case of *Šeks v. Croatia* (no. 39325/20, 3 February 2022), where the applicant requested to declassify 56 documents relating to the recent war history of the country, obtained the disclosure of 31, but the respondent State proved on the facts the national security considerations precluding the declassification of the remaining 25.

E. Conclusion

40. For these reasons, the intervening organisations invite the Inter-American Court of Human Rights to take into account the following conclusions from the above-cited European and international case-law:

- access to intelligence information is crucial for the establishment of facts and the respondent State's compliance with positive obligation to protect life;
- access to intelligence information is a victims' right in criminal investigations into the loss of life; it cannot be withheld except for a few circumscribed cases;
- failure to disclose intelligence information in international human rights proceedings leads to drawing inferences as to the well-foundedness of the individual applicant's submissions;
- failure to disclose intelligence information in international human rights proceedings may also be seen as a violation of the respondent State's obligation to sincerely cooperate with international judicial bodies;
- intelligence nature of information cannot by itself preclude its disclosure when requested under the right to receive government-held information.

41. These conclusions are in line with the Inter-American Court's findings set out in its case-law, in particular on the right to the truth, as set out in *Gomes Lund et al. v. Brazil* (Series C no. 219, 24 November 2015, para. 200), *Myrna Mark Chang v. Guatemala* (Series C no. 101, 25 November 2011, para. 274) and *Maldonado Vargas et al. v. Chile* (Series C no. 300, 2 September 2015, para. 89). The interveners thus invite the Court to uphold them.

ANNEX: Intervening organisations

Agora International Human Rights Group

Agora is an association of more than 100 lawyers and other legal professionals working on landmark human rights cases domestically and internationally. Agora permanent legal teams working in Moscow, Saint Petersburg, Sochi, Kazan, Nizhniy Novgorod, Stavropol, Yekaterinburg, Chelyabinsk, Lipetsk, Chita, and other cities in Russia and abroad. A response unit that handles incidents involving human rights violations operates across the entire European part of Russia. Agora is currently representing applicants in several hundred applications brought before the European Court of Human Rights (ECHR). They also provide support to political immigrants, persons who have been forced to leave Russia due to persecution by the authorities and asylum seekers. Agora is also active across post-Soviet States where the negative impact of Russian authorities on the human rights situation is strongly felt.

American Civil Liberties Union (ACLU)

The American Civil Liberties Union (ACLU) is a nonprofit organization founded in 1920 to defend and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States. With more than 4 million members, activists, and supporters, the ACLU is a nationwide organization that fights in courts, legislatures, international fora, and communities in all 50 states, Puerto Rico, and Washington, D.C., to safeguard everyone's rights in the United States.

Canadian Civil Liberties' Association (CCLA)

CCLA is a non-partisan, national, non-profit non-governmental organisation that has been at the forefront of protecting fundamental freedoms and democratic life in Canada since 1964. CCLA was constituted to promote respect for and observance of fundamental human rights and civil liberties and to defend and foster the recognition of those rights and liberties. CCLA's major objectives include the promotion and legal protection of individual freedom and dignity against unreasonable invasion by public authority, and compliance with Canadian constitutional and international legal obligations within Canadian jurisdictions.

Egyptian Initiative for Personal Rights (EIPR)

The Egyptian Initiative for Personal Rights has been working since 2002 to strengthen and protect basic rights and freedoms in Egypt, through research, advocacy and supporting litigation in the fields of civil liberties, economic and social rights, and criminal justice.

Hungarian Civil Liberties Union (HCLU)

The HCLU is a law reform and watchdog public interest NGO in Hungary, working independently of political parties, the state or any of its institutions. Since its foundation in 1994, the HCLU has been working towards everybody being informed about their fundamental human rights and being empowered to enforce them against undue interference by those in positions of public power. In the areas of political freedoms (including the freedom of speech and he press, the right of assembly, etc.), privacy rights and equality, HCLU monitors legislation, pursues strategic litigation (200 cases annually), provides free legal aid (in more than 4500 cases per year), provides training and launches awareness raising media campaigns in order to mobilize the public. HCLU initiates the implementation and amendment of legislation, and seeks to change enforcement practice in law. HCLU also cooperates with many domestic and foreign human rights organizations and institutions, and do effective advocacy and outreach

Irish Council for Civil Liberties (ICCL)

The ICCL is Ireland's leading independent human rights campaigning organisation. The ICCL monitors, educates and campaigns to secure human rights for everyone in Ireland. The ICCL acts as an essential defender of human rights and civil liberties and as an effective champion for the advancement of justice and freedom in Irish society. The ICCL has been at the forefront of all key human rights campaigns in Irish society, making a significant impact on law, policy and public opinion. These have included the campaigns for legal divorce, decriminalisation of homosexuality and for marriage equality; working for equality legislation and institutions; resistance to emergency legislation and the removal of constitutional due process protections; and consistent advocacy for women's rights, including reproductive rights.

Kenya Human Rights Commission (KHRC)

The KHRC is a premier and flagship non-governmental human rights and governance institution in Africa that was founded in 1992 with a mission to foster human rights, democratic values, human dignity and social justice. They deal with human rights and social justice issues and situations at all levels in the society. The KHRC's interventions are executed under four interdependent strategic objectives and thematic programs: Civil and Political Rights; Economic and Social Rights; Equality and Non-Discrimination and Institutional Development and Sustainability. The KHRC is recognized for its long history, tenacity, consistency, expertise, and passion in providing technical and political leadership around the pertinent human rights and governance programs at all levels.

The Commission for the Disappeared and Victims of Violence (KontraS)

KontraS is a national human rights non-governmental organisation based in Jakarta, Indonesia. Its mission is to promote awareness and sensitivity for various forms of violence and gross violations of human rights as a result of abuse of State power. KontraS fights for justice and accountability of the State through various advocacy efforts and encourages consistent changes to the legal and political system. Its main activities are geared towards

support for the victims of human rights violations. It seeks to improve respect and protection for human rights within Indonesia through advocacy, investigations, campaigns, and lobbying activities. KontraS monitors several issues such as enforced disappearances, torture, impunity, and violations of civil, political, economic, social, and cultural rights.

Legal Resources Centre (LRC)

The Legal Resources Centre is an independent, client-based, non-profit public interest law clinic which uses law as an instrument of justice. It was established in 1979 and is South Africa's largest public interest, human rights law clinic. In addition to its national office , LRC has four regional offices, in Cape Town, Durban, Grahamstown and Johannesburg. In its earlier years, the LRC challenged the legal mechanisms used by the apartheid government to oppress millions of South Africans. Since 1994, the LRC has focused on making the South African Constitution a living document and ensuring that the rights and responsibilities enshrined therein are respected, promoted, protected and fulfilled using a range of strategies including impact litigation, law reform and networking. The LRC provides legal services for the vulnerable and marginalised, including the poor, homeless, and landless people and communities of South Africa who suffer discrimination by reason of race, class, gender, disability or by reason of social, economic, and historical circumstances.