

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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LRWC NEWSLETTER

May 2012 Edition

LRWC ACTION NEWS

BAHRAIN – AL KHAWAJA STOPS HUNGER STRIKE, REMAINS IN PRISON

[LRWC sent a letter](#) to the King and Prime Minister of Bahrain on May 9, 2012, calling for the release of Mr. Al Khawaja and the other wrongfully convicted human rights defenders. LRWC was one of over a hundred organizations signing on to a [similar letter](#) from the International Federation of Human Rights. On June 22, 2011, Abdulhadi Al Khawaja, former President of the Bahrain Centre for Human Rights and 19 other political and human rights activists were sentenced to life in prison on charges of, “organizing and managing a terrorist organization”, “attempting to overthrow the Government by force”, “working for a foreign country”, and “collecting money for a terrorist group”. On February 9, 2012, Mr. Al Khawaja began a hunger strike to protest the wrongful convictions and sentences, which were handed down by a military tribunal: the discredited –

and now disbanded – National Security Court of Bahrain. Although a review of the convictions is underway, Mr. Al Khawaja’s health has deteriorated due to his lengthy hunger strike (which ended on May 28 after 110 days), coupled with his treatment during detention. The Bahrain Independent Commission of Inquiry has confirmed that Mr. Al Khawaja has been subjected to prolonged torture during his detention, and reports indicate he has also been the target of sexual assaults.



BURMA – LAWYERS PROSECUTED FOR CRIMINAL DEFENSE WORK

LRWC and Lawyers for Lawyers (L4L) sent another [letter](#) May 8, calling for restoration of the professional licenses of 32 lawyers, as well as the withdrawal of contempt charges against defence lawyers U Kyaw Hoe and Daw Thinza Hlaing. Since LRWC and L4L released a [joint letter](#) in January, calling for an immediate review of the revocation of 32 lawyers’ licenses, the two defence lawyers have been threatened with disciplinary action for their legal work. They were charged with intentionally causing insult to a judicial officer for attempting to rebut evidence during the trial of their client who was sentenced to death. LRWC and L4L said the contempt charges were contrary to fundamental principles protecting lawyers, including immunity from prosecution for statements made or evidence submitted in the course of judicial proceedings.



CAMBODIA - ESCALATING VIOLENCE AGAINST COMMUNITY ACTIVISTS

LRWC is [responding](#) to an alarming escalation of attacks on human rights defenders, including community activists, who have been protesting violations of land rights in Cambodia. On May 30, [a joint statement](#) by 122 Cambodian organizations demanded a halt to the violence and the “culture of impunity.” Government authorities are allegedly involved in violent forcible evictions of communities whose lands have been expropriated in favour of economic interests. Recent attacks on human rights defenders and community activists have included arbitrary arrest and imprisonment, serious injuries, extra-judicial killings, torture and violations of human dignity. LRWC’s May 30th letter has been sent to UN Special Rapporteurs concerned with human rights defenders, independence of judges and lawyers, freedom of expression, peaceful assembly, extra-judicial executions and torture as well as the Special Rapporteur on Cambodia. See a [video](#) of the 24 May 2012 arrest of Cambodian monk, Ven. Loun Sovath, depicted in the photo.



CANADA – FEDS OPT FOR INSULTS OVER REMEDIES

LRWC signed an [open letter](#) by Amnesty International/Canada critical of the Harper administration’s response to the “[End-of-mission statement](#)” released by UN Special Rapporteur on food security, Olivier De Schutter, on completion of his May 6-16 visit to Canada. The letter was signed by over 160 Canadian NGOs and individuals. Professor De Schutter’s statement identified growing gaps between the rich and the poor in Canada as well as between Canada’s international commitments and their domestic implementation. The “huge discrepancy between social assistance levels and the rising cost of living” is cited as a factor contributing to food insecurity faced by 3 million Canadians including 600,000 children. De Schutter concluded that one quarter of Canadian children live in poverty and identified “deep and severe food insecurity faced by aboriginal peoples.” He recommended implementation of a national right to food strategy and an immediate increase in social assistance and minimum wages. He said that “reliance on food banks was symptomatic of a broken social protection system” and the failure of Canada to meet its obligations to its people. Federal Ministers responded by calling De Schutter—a renowned expert on economic and social rights—unprofessional and saying his mission and report were ridiculous, insulting and a waste of time. The letter calls on the federal government to apologize.



For further information on growing poverty and food insecurity world wide, see the 2011 Human Rights Council report and recommendations on root causes and the need for increased investment in human capital ([A/HRC/AC/8/5](#)). The UN Special Rapporteur on extreme poverty is scheduled to visit Canada November 5 – 15, 2012.

SINGAPORE – ARBITRARY ARRESTS AND DETENTIONS STILL POSSIBLE UNDER ISA

LRWC signed Amnesty International’s [open letter](#) to the Prime Minister of Singapore calling for repeal of the Internal Security Act (ISA) and other laws authorizing arbitrary detention and restricting freedom of expression. The open letter marks the 25th anniversary of Operation Spectrum, the 1987 ISA sweep that resulted in the arrests of 22 young professionals for allegedly participating in a “Marxist conspiracy to subvert the existing social and political system”. The ISA, which remains in force, permits arrest and detention without charge or trial for indefinitely renewable two-year periods and has enabled long periods of arbitrary detention of government critics. For example, in October 1966, under the authority of the ISA, then-MP Chia Thye Poh was arrested and detained for 32 years—23 years imprisonment and 9 years house arrest. Prior to his arrest Chia Thye Poh had led 30 people in a march to parliament house to deliver a letter calling for a general election, release of political prisoners and repeal of repressive legislation.



THAILAND – HUMAN RIGHTS ADVOCATE CONVICTED OF LÈSE MAJESTÉ

On 30 May 2012, human rights advocate and journalist, Ms. Chiranuch Premchaiporn, was convicted of lèse majesté. The charges related to ten comments deemed critical of the monarchy that were posted by third parties on the Prachatai news site in 2008. The Court found that Ms. Chiranuch had not “violated the law herself” and had removed nine of the offending posts sufficiently quickly. She was convicted for one post that remained online for 20 days and received an 8-month suspended sentence plus a fine of Baht 20,000 (US\$630). LRWC has written [several letters](#) on this case as well as the case of journalist and human rights defender Mr. Somyot Prueksakasemsuk, who has been denied bail pending the completion of his trial on charges of lèse majesté. On 18 May 2012, LRWC received a letter from Canada’s Minister of Foreign Affairs, John Baird, in response to LRWC’s [November 2011 letter](#) advising of Canada’s interest in monitoring the lèse majesté prosecutions of Ms. Chiranuch and Mr. Somyot Prueksakasemsuk.



VIETNAM – JOURNALISTS PROSECUTED AND JAILED FOR VOICING DISSENT AND EXPOSING WRONGDOING

LRWC sent a follow-up to its [December 2008](#) and [March 2012](#) letters calling for the release of Vietnamese national Mr. Van Hai. In its [May 2012 letter](#) LRWC also calls for the release of fellow journalists Mr. Phan Thanh Hai and Ms. Ta Phong Tan who are facing similar state sanctioned persecution. Mr. Nguyen Van Hai, who blogs under the pen name Dieu Cay (“Peasant’s Pipe”), established the Club of Free Journalists, a group of activists dedicated to exposing human rights violations and corruption. The Vietnamese government has held Mr. Van Hai on various illegitimate grounds, rendering him a continuous prisoner of conscience since 2008. The detention has included a period of 16 months where he was kept from his family and legal counsel, under the auspices of investigative detention which contravenes not only international human rights treaties but Vietnam’s own domestic laws. Since Vietnamese prisoners rely on support from their families to get enough food and supplies, this enforced disappearance was particularly egregious.

NEW LRWC REPORT RELEASED

THE RIGHT TO KNOW OUR RIGHTS: INTERNATIONAL LAW OBLIGATIONS TO ENSURE INTERNATIONAL HUMAN RIGHTS EDUCATION AND TRAINING

LRWC released its new report, [The Right to Know Our Rights](#), on May 17. This 120-page report outlines the international law obligations of States to ensure that everyone has access to education and training about their internationally protected rights sufficient to enable effective advocacy, and informed discussion on law and policy. Essential education about binding human rights treaties includes instruction on protected rights, government duties, enforcement mechanisms and the effect of human rights treaties on domestic law. LRWC’s report also assesses availability of international human rights education and training in BC and concludes that the province falls well short of its treaty obligations to ensure international human rights education and training.

The report was prepared by LRWC with support from the Law Foundation of British Columbia. It is available [online](#). LRWC recommends that hard copies of the report be acquired for resource rooms of organizations or government agencies. Order for \$20 by email: lrwc@portal.ca, telephone: (604) 738-0338 or fax: (604) 736-1175. Look at the [table of contents](#) for an overview

FIRST NATIONS RIGHTS: THE GAP BETWEEN LAW AND PRACTICE

COOPERATION OR CONQUEST: COAST SALISH LEGAL TRADITIONS AND THE CANADIAN STATE

Prior to contact with Europeans, First Nations groups in Canada had their own legal traditions, which was the subject of Sarah Morales' talk at the main branch of the Vancouver Public Library on May 17. Snuw'uyulh—the tradition of the Hul'qumi'num—means “Our way of life” or “Our way of being with mother earth”. It is premised on the right to self-determination and incorporates seven legal principles: kinship, respect, trust, sharing, love, forgiveness and responsibility. These principles can be exercised in co-ordination with the laws of British Columbia and Canada. For example, in 2004, development at Walker Hook on Saltspring Island was eventually halted in response to opposition by local elders and residents after it was discovered that it was an important ancestral grave site of the Hul'qumi'num Mustimuhw.



Sovereignty remains a key issue for most of the First Nations. The UN Declaration on the Rights of Indigenous Peoples confirms the right to self-determination which includes both local self-government and participation in the larger decision making processes of government. Legislative reform is needed in Canada to remove ambiguity about the role of Indigenous legal systems in relation to the legal processes of the Canadian state.

Videos of all talks in the series are available on the LRWC website. Click on these links or go to www.lrwc.org → Human Rights → Multimedia

1. [Grace Woo: Ghost Dancing with Colonialism](#) | 2. [Robert Morales: Seeking Justice Elsewhere](#) | 3. [Kenneth Deer: Indigenous Rights in the UN System](#) | 4. [Cindy Blackstock: Remember the Children & a landmark human rights case](#) | 5. Sarah Morales: Coast Salish Legal Traditions & the Canadian State (to be posted when available)

UPCOMING EVENTS

THE RIGHT TO KNOW OUR RIGHTS: INTERNATIONAL LAW OBLIGATIONS TO ENSURE INTERNATIONAL HUMAN RIGHTS EDUCATION AND TRAINING

Co-sponsored by LRWC and International Commission of Jurists (ICJ)
Friday, June 15, 2012, 12:00 noon to 1:30 pm. Barristers' Lounge, Courthouse Library, Victoria, BC. What does the newly adopted UN Declaration on Human Rights Education and Training mean for the legal profession in Canada? Catherine Morris will present findings of LRWC's report, The Right to Know Our Rights, which reviews Canada's – and BC's -- international law obligations to provide international human rights education and training. The report also surveys the availability of international human rights education in BC. CPD credits available for BC Lawyers. View the [Facebook event](#) or download the [event poster](#).

FIRST NATIONS RIGHTS: THE GAP BETWEEN LAW AND PRACTICE

A continuation of this series of talks is planned for the January to May 2013 period by co-sponsors LRWC, the Hul'qumi'num Treaty Group, Amnesty International/Canada and the Vancouver Public Library.

UN COMMITTEE AGAINST TORTURE

The Committee against Torture (Committee) issued its [Concluding Observations on Canada](#) on May 31. The hearing on Canada was held in Geneva May 21-22. Among the issues the Committee reviewed was Canada's treatment of Canadian Omar Khadr during his ongoing detention at Guantánamo prison. Omar Khadr is a Canadian citizen, captured in at age 15 in Afghanistan by the US in 2002 and imprisoned since in Bagram and Guantánamo Bay prisons.

In its May 2012 "shadow report" to the Committee, [LRWC and the International Civil Liberties Monitoring Group](#) (CLMG) had recommended that Canada immediately repatriate Khadr and remedy the violations against him. The Committee agreed. The Committee's Concluding Observations urge Canada "to promptly approve Omar Khadr's transfer application and to ensure that he receives appropriate redress for human rights violations that the Canadian Supreme Court has ruled he experienced." The Supreme Court of Canada confirmed in 2010 that Khadr's s. 7 Charter rights to liberty and security of the person had been violated by Canadian and US officials.

In 2008 the Supreme Court of Canada ruled that participation by Canadian officials in the Guantánamo Bay process—which violated the Geneva Conventions—was contrary to Canada's binding international obligations.



The Committee examined the [6th periodic report](#), the List of Issues ([LOI](#)) identified by the Committee, Canada's written [response](#) to the LOIs (not provided until May 18, 2012) and [shadow reports](#) submitted by NGOs and the Canadian Human Rights Commission. LRWC member Lois Leslie attended and reported on the review. Ms Leslie's report on the Committee's process and the hearing is available now by request, and will be posted in the [Reports](#) section of the website shortly. A webcast of the Committee's review of Canada, which took place May 21-22 in Geneva, should be posted soon in the [UN Treaty Body archives](#) .

NOTABLE DECISION

VILARDELL V. DUNHAM, 2012 BCSC 748, MAY 22, 2012.

In [a decision](#) confirming, "that the courts exist for both the rich and the poor, those with small cases and those with large cases," Justice Mark McEwan of the BC Supreme Court struck down court hearing fees (paragraph 14 of Appendix C Schedule 1, B.C. Regulation 10/96 as amended) as a bar to equal access and therefore unconstitutional. The decision emphasized that equal access to courts, as a fundamental underpinning of democracy, must be maintained. McEwan J. expressed concern that the Attorney General of BC, as the official responsible for ensuring inclusiveness, equality and citizen participation, had come before the court with submissions that appeared "so dismissive" of such principles. McEwan J. concluded by stating that the court "cannot perform its necessary function if it, like so much else, is subject to the values of the marketplace..."

NEW WEBSITE

LRWC has a new and improved website that we hope will provide better support for LRWC letter writers, educators, campaigners and monitors. Please give us your feedback on improving the website, which is a work in progress. With support from the Law Foundation of British Columbia, the new website includes a human rights education portal at <http://www.lrwc.org/education/> with new resources for human rights education and training and enhanced pages on human rights treaties and instruments.

NEW PUBLICATION

[Omar Khadr, Oh Canada](#), ed. Janice Williamson, McGill-Queen's University Press, 2012. This book is a collection from over 30 contributors writing about Omar Khadr: his background, imprisonment in Bagram and Guantánamo Bay, violations of his rights by US and Canadian officials and the legal issues raised by his case. A [recent review](#) says the contributions “illustrate the slow decay of Canada’s democratic ideals, tied up as they have been to America’s constitutionally bankrupt detention of Canadian Omar Khadr”. Three of the contributing authors are LRWC members: Gail Davidson, Robert Diab and Grace Woo.

We welcome feedback on Newsletter content, format and delivery. Mail subscriptions are also available.

- Fees and donations can be made by cheque, PayPal, or [Canada Helps](#).
- Monthly donations increase LRWC’s ability both to respond quickly and plan ahead.
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