

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

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LRWC ACTION NEWS

CAMBODIA

Mam Sonando - LRWC, the Centre for Law and Democracy (CLD), the International Federation of Journalists Asia Pacific (IFJ) sent a [joint letter on August 3, 2012](#) calling on Cambodia authorities to release Mam Sonando and withdrawal all charges against him. Mam Sonando, the owner and operator of the independent Beehive Radio station in Cambodia and President of the Democrats Association was arrested on July 15 and charged with six sections of the Penal Code, chiefly as the result of an accusation that he attempted to form a secession movement. Mr Sonanda is a prominent critic of human rights abuses in Cambodia and has been arrested and wrongly charged twice after publically criticizing the government. A spokesman for the government asked by the [Jakarta Globe](#) newspaper to comment on the joint letter, said the case was being manipulated by NGOs who don't "know what is going on in Cambodia". IFJ is the largest journalists' organization in the world and represents 600,000 journalists in 30 countries.



Chan Soveth - LRWC sent a [letter on 19 August 2012](#) in support of the Deputy Head of the Monitoring Section of the Cambodian Human Rights and Development Association (ADHOC), Mr. Chan Soveth, who is charged with "providing assistance to the perpetrator" of a "crime." Although the details are not yet known, the charge(s) are believed to be related to a land dispute in Kratie province, where the government forcibly evicted the residents of Pro Ma village on 16 May 2012 to make way for the interests of Casotim, a Russian-owned rubber company. During the eviction, a 14-year-old girl was shot dead by armed security personnel, and ADHOC was one of many human rights organisations to release statements condemning her killing. It is believed the current charge arises from that statement and Mr. Soveth's assistance to a land-rights activist involved in this dispute. The charge was laid days after Prime Minister Hun Sen publicly demanded that an unnamed "human rights worker" "confess" his role in providing assistance to villagers and asked



whether this human rights worker had been questioned. LRWC's letter calls on the Cambodian government to end all judicial harassment against Chan Soveth, ADHOC and other human rights organisations. On 24 August 2012, a Phnom Penh Municipal Court judge accepted Chan Soveth's lawyer's request to suspend the case to a future date and no other date has been set for the investigation hearing. The lawyer is quoted in the Phnom Penh Post as stating that the court had not allowed lawyers to copy the relevant documents indicating the reasons for the charges, so it was difficult to prepare for the case.

CANADA

Human Rights have taken another significant step backwards in Canada. Documents obtained through access to information requests indicate that in 2011 Public Safety Minister Vic Toews issued directives to the RCMP and the Canada Border Services Agency authorizing the use and sharing of "information" that was likely obtained by torture. Canada's spy service is believed to have been issued similar orders. These directives which authorize state agents to engage in the behaviour that led to the torture and illegal imprisonment of Maher Arar violate the Convention against Torture and are contrary to the recommendations of the O'Connor Inquiry. LRWC signed on to a letter from the International Civil Liberties Monitoring Group, CAIR-CAN calling on the government to abide by Canadian and international law and withdraw the directives.

CHINA

LRWC, on August 7, 2012 [sent letters](#) opposing the ongoing persecution of human rights lawyer Ni Yulan. China monitor Clive Ansley sent separate letters to Premier Wen Jiabao and to the Ministers of Justice and Public Security. The arbitrary detention of disbarred Chinese lawyer Ni Yulan and her husband Dong Jiqin was extended when the Chinese appeal court rejected their appeals on July 27th.



Ni Yulan worked as a lawyer for 18 years, taking on many politically sensitive cases which resulted in vicious persecution from the Chinese Communist Party (CCP). In 2002 she was filming the demolition of a Beijing home, which was being destroyed to make way for developers, and was taken to a police station where she was tortured for several days. Her feet and kneecaps were broken, and she has been confined to a wheelchair ever since. When she attempted to petition the authorities about the beatings, she was arrested, convicted of "obstructing official business," and sentenced to one year in prison; the conviction also resulted in the loss of her licence to practice law. Her husband was prohibited from attending her trial.

Ni Yulan and Dong Jiqin have continued their courageous work in the face of these and many other abuses by the state. Currently they are both imprisoned because of convictions under Article 293 of China's Criminal Law, a vaguely worded catch-all provision against "disturbing public order". The couple's daughter has been subjected to surveillance and there are reports that Ni Yulan, who suffers from numerous health problems, is being malnourished in prison. LRWC's letter calls on the CCP to halt the surveillance of her family and take legal measures against the officers who perpetrated her torture.

SUDAN

In response to the interventions from LRWC and others, eighteen people including six lawyers, one law student and eleven members of human rights organizations were released from jail and charges against

one individual—Ahmed Alkwarti—were withdrawn. LRWC Sudan monitor Joe Hoffer had sent letters to Sudan authorities calling for the release of those detained on [July 10](#), [July 19](#) and [August 7](#). On [August 17th](#) Mr. Hoffer sent a letter to two UN Special Rapporteurs (on the independence of judges and lawyers and on human rights defenders) and to the Working Group on Arbitrary Detention preparatory to making complaint. Those released had been arrested between June 23 and July 1 as part of a crackdown on people believed to have participated in peaceful protests calling for reform. LRWC believes that charges are still outstanding against Radwan Daoud and Widad Dirwish and that Mr. Tarig El Sheikh, lawyer and Mr. Widad Dirwish, member of *Girifna* have not been released.



THAILAND

LRWC, Protection International and the Clean Clothes Campaign sent a joint letter to the European Union on August 22nd 2012 expressing concern with the *lèse majesté* (insulting the king) prosecution, under Article 112 of the Thai Criminal Code of Mr. Somyot Prueksakasemsuk. The letter cites international law obligations violated by the prosecution and continued detention and calls on the European Parliament to urge the government of Thailand to bring the case into compliance with these obligations. Use of Article 112 to silence the critics has increased, as indicated by the rise in Article 112 prosecutions from 33 in 2005 to 478 in 2010. Imprisonment on conviction for *lèse majesté* is 3 years minimum and 15 years maximum.



Mr. Somyot Prueksakasemsuk, editor of Voice of Taksin (Voice of the Oppressed), has been detained since 30 April 2011 on charges of *lèse majesté* for the publication of two articles that allegedly insult the monarchy and faces a maximum of 30 years' imprisonment if found guilty. Mr. Somyot has been denied bail on ten occasions and remains imprisoned. The trial was completed on May 2012 and the decision adjourned to September 19th.

VIETNAM

Le Quoc Quan, disbarred lawyer and prominent government critic was injured on August 19 in an attack he thinks was connected with the police. Le Quoc Quan has been arrested and detained twice: in 2011 he was arrested and detained for one week for protesting the trial of Cu Hay Hu Vu and in 2007 was held for three months on charges of 'attempting to overthrow the government'. LRWC signed on to a joint letter by the Netherlands-based Lawyers for Lawyers and Amnesty International calling for protection for Le Quoc Quan and an investigation of the attack.

UPCOMING EVENTS

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

[UNDRIP - September 13th, 2012](#), marks the 5th anniversary of the United Nations Declaration on the Rights of Indigenous Peoples, which took 25 years to pass through the UN system. LRWC, Amnesty

International and the Hul'qumi'num Treaty Group have partnered with the Faculty of Law at the University of Victoria and U. Vic Social Justice to present an evening of discussion and reflection. Kenneth Deer will discuss the development of the UNDRIP by video and Robert Morales will provide an update of developing issues. The free event will be held on September 13, 2012 from 7:00 to 9:00 pm in Room 159, Fraser Building, University of Victoria, 3800 Finnerty Road, Victoria BC. ([See poster](#))

OMAR KHADR, OH CANADA

[Omar Khadr, Oh Canada – September 19th](#) - McGill-Queen's University Press is sponsoring a Vancouver book-launch for Omar Khadr, Oh Canada. Why hasn't Canada repatriated Omar Khadr after 10 years of illegal incarceration? Why has Canada violated the Convention against Torture, ignored the Convention on the Rights of the Child and sanctioned U.S. violations of Khadr's internationally protected rights? These questions will be considered by Editor Janice Williamson and contributors Gail Davidson, Robert Diab (Guantanamo North), Alnoor Gova (UBC) and Grace Woo (Ghost Dancing with Colonialism). Human rights activist Maher Arar will contribute by skype. The event will be held on September 19th at 7:00 pm in the Alice McKay Room, Vancouver Public Library, 350 West Georgia St., Vancouver. (see poster)



UN HUMAN RIGHTS COUNCIL, SESSION – SEPTEMBER 10 – 28

SIDE EVENT ON THE OCCASION OF THE PRESENTATION OF THE FIRST REPORT OF THE SPECIAL RAPPORTEUR ON THE PROMOTION OF TRUTH, JUSTICE, REPARATIONS AND GUARANTEES OF NON-RECURRENCE

September 12, 2012, Palais des Nations, Geneva: LRWC and the Asian Legal Resource Centre are co-sponsoring this event that has been organized by Impunity Watch, HIVOS, Human Rights Watch, the Lutheran World Federation and the International Service for Human Rights. The event is intended to profile the mandate of the recently appointed Special Rapporteur Pablo de Greiff, to highlight the plight of victims denied remedies and to promote cooperation between NGOs and the Special Rapporteur to combat impunity. Two LRWC members will attend the 21st Session of Council, Gary Anandasangaree and Vani Selvarajah.

COLOMBIA CARAVANA OF LAWYERS

AUGUST 26 TO SEPTEMBER 1ST

Lawyer Heather Neun and retired BC Court of Appeal judge Carol Huddart are in Colombia as LRWC delegates to the 3rd Colombia Caravana. The 3rd International Caravana of Lawyers and Judges to Colombia was organized by the U.K. based Colombia Caravana Lawyers Group and is supported by Colombian lawyers. Ms Neun and the Honourable C. Huddart and other delegates are visiting regions of the country where Colombian lawyers work with vulnerable communities and groups to investigate the safety and independence of Colombian lawyers and other human rights defenders. They will meet with Colombian judges, lawyers, state officials, the media, human rights defenders and civil society organizations. A preliminary summary of their findings will be circulated when available. A special thank

you to the donors who made LRWC's participation in this investigation possible. Donors are listed on the website.

NOTABLE U.S. LAW SUIT

A group of American journalists and activists has brought a suit challenging the constitutionality of the National Defense Authorization Act (NDAA) which was enacted on 31 December 2011. The plaintiffs ask the court to strike down as unconstitutional section 1021(b)(2) of the NDAA – which authorizes the arrest without warrant and indefinite detention without charge, of anyone, anywhere – as being vague and over-broad and violating first and fifth amendment guarantees of freedom of speech, association and due process. On 16 May 2012, the US Court Southern Division of New York accepted the plaintiffs' arguments and issued a preliminary injunction against the enforcement of the offending provision. The Obama administration replied nine days later requesting a reconsideration of the ruling and indicating that their interpretation of the injunction was that it applied only to the plaintiffs. The judge then issued a memorandum opinion on 06 June, clarifying that the injunction applies to all U.S. citizens.

The Obama administration filed a notice of appeal on 06 August against the temporary injunction; the final hearing on whether a permanent injunction would be issued occurred the following day. As of publication, the decision on the permanent injunction had not been handed down. A synopsis of the case and links to the trial documents can be found on [the plaintiffs' website](#).

PUBLICATIONS

Lois Leslie, B.Soc. Sc. (Hons), LL.B, LL.M, [*Arrest and Detention of lawyers in Turkey - Right to pre-trial release at International Law, 2nd Edition*](#), August 14, 2012.

This report is the second, and more comprehensive, edition of the July 12, 2012 report. The report examines the international law right to pre-trial release arising from rights to liberty and the presumption of innocence considered in the context of Turkey's international obligations, including those arising from provisions of the *International Covenant on Civil and Political Rights* and the *European Convention on Human Rights*. The report was prepared in response to the prosecution of 46 lawyer, one journalist and three legal workers in Turkey on politically motivated charges. Twenty-seven of the lawyers who were arrested in November 2011, remain in jail with the continuation of the mass trial adjourned to November 2012.

The report was prepared by LRWC and jointly presented by LRWC and the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT). The Observatory, created in 1997 by FIDH and OMCT is one of the leading global programme for the protection of human rights defenders. The report is being translated to Turkish for the use by the defense lawyers.

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