

LRWC NEWSLETTER

May 2013 Edition

LRWC ACTION NEWS

BAHRAIN

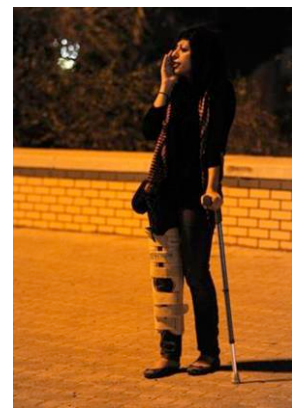
Joint Appeal - LRWC joined an Appeal by 52 NGOs to United Nations Special Rapporteurs on Torture, Human Rights Defenders and Freedom of Expression regarding arbitrary arrests, detentions and torture in Bahrain. Human rights defenders Nabeel Rajab, Zainab Al-Khawaja and others remain arbitrarily imprisoned for peacefully exercising internationally protected rights to expression and assembly. A recent report alleges that imprisoned human rights defender, [Naji Fateel](#), has been subjected to torture. Torture allegations include the use of electrical shocks, simulated drowning, beatings, threats, hanging by his hands from the ceiling, stress positions and sleep deprivation. The joint appeal calling for adherence to international law obligations is available in [English](#) and [Arabic](#).



Dr. Ali bin Fadhel Al-Buainain
(<http://www.bna.bh/>)

Complaint to the International Prosecutors Association (IPA) - A Canadian member of the IPA replied to LRWC's letter of [17 April 2013](#) advising that the [complaint](#) against Dr. Ali bin Fadhel Al-Buainain initiated by Ceartas Irish Lawyers for Human Rights and endorsed by LRWC and other organizations, was under investigation. The complaint was based in part on the April 2013 [Report on Bahrain's Attorney General](#) Dr. Ali bin Fadhel Al-Buainain and his position in the International Association of Prosecutors, by Ceartas.

Zainab Al-Khawaja - On 9 May, the Appeal Court upheld the three-month prison sentence of activist Zainab Al-Khawaja on charges of participating in an “illegal gathering” in November 2011. Al-Khawaja’s new sentence will be added to the one she is currently serving of more than three months for “insulting an officer” in a military hospital in Issa Town Prison for women. She is denied family visits for refusing to wear the prison uniform. Her father, human rights defender Abdulhadi Al-Khawaja, who was jailed for life for his peaceful participation in demonstrations during early 2011. LRWC and the Canadian Journalists for Free Expression wrote a [letter in March](#) calling for Ms. Al-Khawaja’s release and are preparing another communication.



Zainab Al-Khawaja protesting alone in August, 2012 at AlQadam roundabout before her arrest

Cambodia

Yorm Bopha - Land rights advocate Yorm Bopha, sentenced to three years imprisonment in December 2012, has been denied release pending her appeal. Ms. Yorm Bopha is well known for her advocacy on behalf of people forcibly evicted from the Boeung Kak Lake community after the Government leased their land to Shukaku Inc. for development. Her prosecution was seen as part of a pattern of malicious



Yorm Bopha

prosecutions and judicial harassment of advocates protesting the illegal and/or unjust dispossession of, or encroachment by development projects on, community members’ lands. Factors indicating illegitimacy of the trial and bail proceedings in this case include: history of Yorm Bopha opposing government sanctioned land grabs; entry of a conviction in the face of evidence that charges of assault were baseless; public vilification of Yorm Bopha by the Prime Minister; and, the Chief Justice’s membership in the Politburo of the ruling party. [LRWC’s letter](#) urged authorities to ensure that the appeal affords the due process mandated by international law and is determined by an impartial and independent tribunal.

Kuch Veng - On 19 May 2013, Mr. Kuch Veng, a land rights and forestry activist and member of the Community Peace Network, was arrested in the Krako district. No reasons were given and no arrest warrant was shown, and he has not been released. Reports indicate that Kuch Veng is being detained for questioning in relation to allegations of fraud from 2010 but his arrest appears to have been motivated by his human rights advocacy. Kuch Veng has been active in land rights work advocating for community members asserting their land rights in disputes over land concessions granted to corporate actors. [LRWC sent a letter](#) on 22 May 2013 requesting the immediate and unconditional release of Mr. Veng.



Kuch Veng (<http://kimedia.files.wordpress.com>)

Sudan

Asma Ahmed - As of 4 May 2013, Sudanese lawyer and human rights defender Asma Ahmed (aged 39) is being arbitrarily detained, *incommunicado* by the National Security Service (NSS), without access to her relatives or a lawyer. She has not been charged with any offence and is at risk of torture and other ill treatment including sexual violence. She further suffers from diabetes and requires a regulated diet and medication. Ahmed is a member of the banned opposition party Sudan's People's Liberation Movement and has previously defended political prisoners and prisoners of conscience in court. Since recent escalations of violence in 2011 between the Sudanese government and the People's Liberation Army, in the South Kordofan and Blue Nile states, the political party has been banned and dozens of suspected member have been detained *incommunicado* without charge, with an escalation of arrests in recent weeks. [LRWC wrote](#) to request her release.



Asma Ahmed

United States

Lynne Stewart – US human rights attorney, Lynne Stewart, sentenced to 10 years in prison for speaking to the media on behalf of her client, is now terminally ill. When she was sentenced in 2010, the potentially curative surgery (out-of-prison) scheduled for the following week was cancelled; in-prison surgery was then delayed for 18 months. Ms. Stewart's breast cancer has returned and metastasized to other parts of her body. Ms. Stewart is currently put in leg-irons, belly chains and handcuffs during transfer for chemotherapy and shackled to the bed during treatment. The warden at Carswell Federal Medical Center has recommended she be released immediately. [LRWC asked the Director](#) of the Federal Bureau of Prisons to apply for Ms. Stewart's immediate release on the basis of "compelling and extraordinary circumstances" warranting her immediate release.

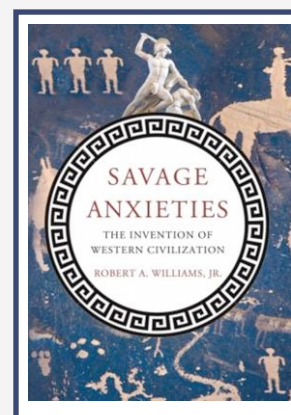


Lynne Stewart (revcom.us)

EDUCATION EVENTS

Savage Anxieties: Indigenous People's Human Rights and the Not-so-Special Case of Hul'qumi'num Treaty Group v. Canada

Professor Robert A. Williams unveiled the origins of institutionalized human rights abuse in Canada to a large and enthusiastic audience on 9 May 2013. Beginning with the provocative assertion that the case of the *Hu'qumi'num Treaty Group v. Canada* is "not so special", he traced the origins of the Doctrine of Christian Discovery that founded Canada's claim to sovereignty over Indigenous peoples. As Professor Williams demonstrated, the belief that invaders are exceptional and thus entitled, while the people invaded are uncivilized and therefore un-entitled can be found among ancient Greeks and persists in modern times. These concepts are an integral part of Canadian law and violate the principle of human equality, leaving this country in violation of standards developed in the course of the Post WWII



decolonization movement. Within the Inter-American human rights system of the Organization of American States, it is well established that rights and title to land can only be changed by mutual consent, and timber or other resource exploitation licences cannot be granted unless Indigenous land is demarcated (*Saramaka People v. Suriname*, 28 November 2007). Although Canadian courts have long recognized that Aboriginal title continues to exist, no court has ruled to demarcate any Indigenous land. On top of this, routine use of procedural complexity continues to prevent Indigenous peoples from accessing effective protection for their legal rights. The audience was keen to know how such injustices could be remedied. This talk was approved for CPD credit in BC. A video and podcast will be available soon.

Indigenous Law as a Solution to Resource Conflict in Treaty 8



Caleb Behn

The video of this arresting talk by Caleb Behn, produced by Canadian filmmakers Damien Gillis and Fiona Rayner, will be available next week on the LRWC website.

COLOMBIA CARAVANA 2012

LAWYERS' REPORT LAUNCHED IN LONDON

Colombia: Protecting Access to Justice, Report of the Third International Caravana to Colombia, May 2013. This 52-page report of the third Colombia Caravana, launched in the U.K. on 21 May 2013, contains the findings of the delegation of lawyers and judges who visited Colombia in August 2012 to investigate the risks by judges, lawyers and other human rights defenders in Colombia, provide support and make remedial recommendations. The report notes:

The most serious concern for the Caravana is that threats, attacks, persecution and the killing of lawyers continue. Lawyers are hampered in their work by having to defend spurious proceedings against themselves and by burglaries of their offices, and cyber-attacks on websites and vandalism of their office equipment. The legacy of the surveillance by the state intelligence agency (DAS, Departamento Administrativo de Seguridad) has interfered with the protective measures which some lawyers should receive. In addition to the problems of state interference in their work are the risks that many lawyers face of physical violence and possible assassination. The lawyers most at risk work with clients such as political prisoners, those with problems related to the use of or rights to land, those accused of collaborating with the guerrillas, and representatives of minority or repressed communities.



2012 Caravanistas in Bogota

The report makes a number of recommendations including public acknowledgment of the valuable role of judges, lawyers and other human rights defenders, increased resources for judges and human rights advocates and stepped-up efforts to provide adequate protection and to ensure identification of perpetrators through effective investigations and prosecutions. Lawyer Heather Neun and retired BCCA judge Carol Huddart were part of the delegation that visited Colombia and prepared reports. Heather Neun is a member of the Colombia Caravana editorial board that prepared this report.

UNITED NATIONS HUMAN RIGHTS COUNCIL

LRWC members Gary Anandasangaree and Paulo de Tarso Lugon Arantes are attending portions of the 23rd session of the Human Rights Council which runs from May 27th to June 14th in Geneva. Gary is a Toronto-based lawyer, Paulo is an international human rights specialist teaching and researching in Switzerland. LRWC made two oral interventions during the first week. . Both LRWC interventions were prepared by Catherine Morris and presented by Paulo de Tarso Lugon Arantes. The video of the May 30th presentation can be viewed [here \(at 19.04 minutes\)](#). The May 31st presentation can be viewed [here \(at 2:43 minutes\)](#).

May 30th - [LRWC oral statement](#) regarding inequality crisis created by inadequate legal aid in response to the Report of the Special Rapporteur on the independence of judges and lawyers.

May 31st - LRWC [oral statement](#) on human rights violations by corporations and other business entities against human rights defenders in response to the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

More on the 23rd Session of the Human Rights Council in the June Newsletter.



UNIVERSAL PERIODIC REVIEW (UPR) OF CANADA

The [Draft Report](#) of the Working Group on the UPR of Canada, A/HRC/WG.6/16/L9 was published on 20 April 2013. The UN Human Rights Council's UPR Working Group conducted the second UPR of Canada on 26 April 2013 in Geneva during its 16th session. During the interactive dialogue, 82 state delegations made statements ([see podcast](#)). The majority of delegations expressed concerns about levels of poverty, violence and discrimination faced by Aboriginal women and children face. The Democratic People's Republic of Korea expressed concern due to the over-incarceration of Aboriginal people, Afro-Canadians and ethnic minorities and recommended that Canada put an end to violations of the right to peaceful assembly and freedom of expression, torture and other ill-treatment. Chile asked whether Canada would accept the request for a visit by the Special Rapporteur on the Rights of Indigenous Peoples. Canada indicated that it was now seeking to arrange a visit by the Special Rapporteur and recognized that historic wrongs have strained the relationship with Aboriginal peoples. Germany, Hungary and Chile commended Canada's ratification of the Convention on the Rights of Persons with Disabilities. Several States recommended that Canada consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). LRWC in partnership for the Centre for Law and Democracy and other NGOs had submitted a report focused on Canada's failure to adequately protect freedoms of expression, assembly and access to information.

LRWC MEMBER NEWS



Andrew Guaglio

New member of the Board of Directors of LRWC, Andrew Guaglio, received one of the thirteen Premier Undergraduate Scholarships awarded to University of British Columbia students in 2013. These awards are given to a select group of students throughout the university who rank in the top 10% of their Faculty, are involved in their communities, and excel in leadership and teamwork. Andrew was also given the Wesbrook Scholar designation, which is awarded based on similar criteria.

During law school, Andrew worked for LRWC, was a caseworker in the UBC Law Innocence Project, and was a member of the 2012-2013 Gale Cup Moot team. Andrew was also a clinic head and clinician for the Immigration and Refugee clinic for the Law Students' Legal Advice Program and worked as a research assistant for Mary T. Ainslie Q.C. (senior Crown counsel with Vancouver's Criminal Appeals and Special Prosecutions office). Andrew is currently articling for the firm Peck and Company. In 2014, he will clerk with the British Columbia Court of Appeal. Andrew's career aspirations include criminal law and international criminal law. We wish Andrew all the best in this coming year and look forward to his contribution on the LRWC Board of Directors.

LRWC member and UBC law graduate Lisa Jørgensen also received a Premier Undergraduate and Wesbrook Scholarship Award.

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