

LRWC NEWSLETTER

January 2014 Edition

LRWC ACTION NEWS

BAHRAIN

NGOs ask Special Rapporteurs to investigate torture and other violations: LRWC and eight other NGOs signed on to a [Letter of Allegation](#) prepared by the U.K.-based Media Legal Defence Initiative, on behalf of three journalists in Bahrain. Journalist Mohammed Hassan, arrested 31 July and released 3 October; photographer Hussain Hubail, arrested 31 July; and cameraman Qassim Zain Aldeen, arrested 2 August, all face trial on charges related to their reporting on protests: calling for illegal gatherings, inciting hatred against the regime and inciting misuse of social media. The joint Letter is addressed to UN Special Rapporteurs on freedom of expression and torture and calls for release of Hubail and Zain Aldeen, dismissal of the charges and the investigation and remediation of the alleged torture to which the three have been subjected.

BANGLADESH

WGAD says detention arbitrary: Court approves charges:

On 19 December 2013, LRWC received notification of the Opinion of the UN Working Group on Arbitrary Detention ([A/HRC/ WGAD/2013/12](#)) that the detention of Adilur Rahman Khan, Secretary of the NGO Odhikar, flowed “directly from his peaceful exercise of the right to freedom of expression” and was therefore contrary to the UDHR and ICCPR provisions protecting liberty and expression rights. LRWC had sent a communication ([12 August 2013](#), [10 September 2013](#), [10 October 2013](#)) to the WGAD complaining that Mr. Khan’s arrest violated state duties under the UDHR, ICCPR, Basic Principles on the Role of Lawyers and the Declaration on Human Rights Defenders and that his detention may therefore be arbitrary. Although Bangladesh did not reply to the WGAD’s invitation to respond to the allegations of state misconduct in LRWC’s September letter, they released Mr. Khan in October. At the time of his release, LRWC didn’t know that the WGAD had intervened in response to our letter. Odhikar Director AMS Nasiruddin Elan was arrested 6 November 2013 and was released 1 December 2013. LRWC had written a letter calling for his release and the withdrawal of charges on [14 November 2013](#). Charges under Section 57 of the Information and Communication Technology (ICT) Act 2006 (amended in



Adilur Rahman Khan | frontlinedefenders.org

2009) against Messrs. Khan and Elan were approved 8 January and the trial was set to commence on 22 January. Charges against both men are based on allegations contained in an Odhikar report that 61 people were killed during a protest in May 2014, which brought the state into disrepute.

CAMEROON

Penal sanctions against homosexuality a contributing factor in death: Roger Jean-Claude Mbede died 10 January 2014. Reports indicate that he died after his family withheld medical treatment and food in order to punish him for being homosexual. In March 2011 Mr. Mbede was convicted of homosexuality



Roger Jean-Claude Mbede | theguardian.com

and sentenced to three months imprisonment on the basis of his text message to a government official saying, 'I'm very much in love with you.' Mr. Mbede was granted provisional release for medical treatment in July 2012. The Central Appeals Court rejected his appeal from conviction on 17 December 2012, and the appeal from that decision is pending. LRWC intervened ([16 January 2013](#), [30 November](#) and [16 November 2012](#)) after the lawyers acting on the appeal were threatened with death. On the Universal Periodic Review of Cameroon in May 2013, many states recommended that Cameroon repeal criminal sanctions against homosexuality and actively promote

tolerance for LGBT people.

CAMBODIA

Effective on-the-spot interventions for human rights defenders: Cambodia Monitor Catherine Morris and LRWC member Paul Scambler visited Phnom Penh 4-19 November 2013 to meet with human rights defenders, journalists and others.

Ms. Morris and Mr. Scambler were in Phnom Penh on 12 November when police used live ammunition against unarmed citizens resulting in the shooting death of a bystander. Their presence in Cambodia enabled LRWC to respond within a day with a letter to authorities denouncing disproportionate use of force, calling for an independent investigation and recommending that the government implement and conduct immediate training in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. On 16 November, the Cambodia Daily reported on LRWC's letter including a quote from a Cambodian Council of Minister's spokesman that "such training was a good idea." For more details, see LRWC's [November newsletter](#).



Police beat detained youth at SL Garment Factory protest
12 November 2013 | Photo courtesy of LICADHO

While in Phnom Penh, LRWC representatives learned that human rights defender Yorm Bopha's hearing in the Supreme Court of Cambodia was scheduled for 22 November. Yorm Bopha had been in jail without bail for more than a year on fabricated charges. Face-to-face consultation with colleagues in Cambodian human rights organizations made it feasible to organize the drafting, translation and hand delivery of a Khmer language [amicus brief](#) to the Supreme Court outlining international human rights arguments for Yorm Bopha's acquittal and release. At the 22 November hearing, the Supreme Court in its decision cited two articles of ICCPR, namely articles 9(3) and 14, which had been discussed in LRWC's amicus brief. While the Court ruled that there was not enough evidence to convict Yorm Bopha,

the Court did not acquit her, but sent her case back to the Appeal Court for “reinvestigation” and ordered her release pending the Appeals Court hearing. More information is found in LRWC’s [November newsletter](#).

Crackdowns against peaceful demonstrations have been escalating in Cambodia, where protests against the flawed July 2013 national election, land rights and labour conflict are ongoing. On 22 January 2014, a number of human rights defenders, including Yorm Bopha, were harassed and [briefly detained](#) as a result of their peaceful protests concerning land rights. [Journalists have also been beaten](#), including at a 27 January demonstration led by journalist and human rights defender Mom Sonando, for whom LRWC has conducted advocacy in the past. On 2 and 3 January 2014 a total of [23 persons](#) including several human rights defenders were arrested and kept incommunicado for several days. LRWC joins with many others in condemning these arbitrary arrests and detentions. LRWC continues to monitor the situation in Cambodia, advocating respect for human rights by protestors and authorities.

CANADA

Trinity Western University application for accreditation of law school: The Law Society of BC (LSBC) is considering whether to approve or reject accreditation of a law school at Trinity Western University, an evangelical Christian university in Langley, BC. Thirteen human rights organizations, including LRWC, [sent a letter](#) calling on the LSBC to ensure that the review process is transparent, invites input from the public and is open to the public. At issue are discriminatory requirements and regulatory policies of the applicant university that are contrary to internationally protected rights to equality and non-discrimination.

The LSBC is now [seeking input](#) and has announced a deadline of 3 March for submissions. The Faculty Council of the UBC Law Faculty has called on the LSBC “to consider the harmful effects of effectively excluding LGBTQ people from Trinity Western University’s (TWU) proposed law school would have on law students at TWU, lawyers, and citizens of B.C.”

COLOMBIA

Twelve lawyers murdered in Valle del Cauca and Cauca during 2013: LRWC is working with Lawyers Without Borders Canada and others to develop strategies to prevent and punish murders and other attacks on lawyers in the Cauca and Valle del Cauca regions. Help is needed with research, writing, translation and communications with lawyers in Colombia. The twelve victims, most of whom were criminal law specialists are: Eduardo Antonia Almarino Martinez, age 59; Daniel Alejandro Almarino Calderon, age 26; Jorge Ivan Gomez Guerrero/Guevara, age 38; Jhony Alberto Balerazo Ortiz; Diego Luis Garcia Gonzalez, age 65; Alberto Arias Escobar, age 64; Andres Felipe Parra Utrima, age 29; Jose Gerley Sanchez Benitez age 50; Fabio Molina Velasquez, age 63; Carlos Alberto Nunez, age 34; and Octavio Quinchia.

THAILAND

LRWC monitor visits imprisoned human rights defender: In November 2013 LRWC’s Thailand monitor traveled to Bangkok to meet with human rights defenders including Mr. Somyot Prueksakasemsuk, who has been denied bail 13 times while he awaits his Supreme Court Appeal of his conviction and 10-year sentence for lèse majesté as a result of news articles he wrote being found to be insulting to the monarchy. Mr. Somyot has been detained since Mr.



Somyot Prueksakasemsuk |
editorial.blogspot.com

Somyot is an activist in areas of labour rights and freedom of association. He has advocated for reform of lèse majesté laws. In August 2012, the [UN Working Group on Arbitrary Detention](#) declared his imprisonment arbitrary, noting that the offence of lèse majesté in Thailand does not meet international standards for freedom of expression. The case of Mr. Somyot is one of several around the world that inspired LRWC's research on the [right to pre-trial release](#) in 2013.

TURKEY

Four more lawyers released from pre-trial detention: The criminal proceedings against 46 lawyers, three law office workers and one journalist again came before the court on 19 December 2013 in Sivri, Turkey. Four more lawyers were released: Asya Ülker, Bedri Kuran, Muhdi Öztüzün and Mehmet Sani Kizilkaya. Lawyers in pre-trial detention since November 2011 are: Doğan Erbaş, Emran Emekçi, Hadice Korkut (the only woman now), Ibrahim Bilmez, Ömer Güneş, Faik Özgür Erol, Cengiz Çiçek, Muharrem Şahin, Mehmet Bayraktar, Sabahattin Kaya, Fuat Coşacak and journalist Cengiz Kapmaz. Trial monitors reported that no reasons were given by the court for refusing release. The case is scheduled to resume on 8 April 2014. Lawyers released face very difficult circumstances including the collapse of their law practices during their 26-month incarceration.

UNITED STATES



Lynne Stewart | Photo by Marty Goodman

Attorney Lynne Stewart released for treatment:

Attorney Lynne Stewart was granted compassionate release from prison on 31 December 2013 after serving four years of a 10-year sentence. Koeltl J. ruled that Ms Stewart's "terminal medical condition and very limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction." When the Director of Federal Prisons refused to file the application required to trigger to court's jurisdiction to review Ms Stewart's application for compassionate release, LRWC intervened by letters dated [14 August](#), [20 June](#) and [28 May 2013](#) explaining international law duties to ensure necessary

medical treatment. Richard Falk, Mya Shone and Ralph Shoenman wrote to thank LRWC for a 'powerful and definitive analysis of international law that galvanized people and organizations around the world.' LRWC had previously written ([13 July 2005](#)) that Lynne Stewart's conviction violated international standards protecting the safeguards of independence necessary to effective advocacy. Research on this case was by Grace Chen and letters by Grace Chen, Gail Davidson and Marjorie Cohn. See the [video of Lynne's arrival in New York](#) to feel good about LRWC work and the power of collaboration.

VIET NAM

Le Quoc Quan appeal set to be heard in February: The appeal of lawyer Le Quoc Quan from conviction for tax evasion is set for 18 February 2014 in Hanoi. Le Quoc Quan remains in jail in spite of the UN WGAD Opinion ([A/HRC/WGAD/2013](#)) that his detention is arbitrary because Viet Nam failed to observe rights to a fair trial. The LRWC [report: Statement Regarding the Matter of Mr. Le Quoc Quan and the Government of the Socialist Republic of Viet Nam: Violation of Rights to Pre-trial Release](#) is being translated into Vietnamese. Copies will be provided to the court and to other state and NGO representatives in Viet Nam.

The Campaign to Abolish Torture in Vietnam (CAT-VN) has released a [Report: Torture of Political and Religious Prisoners in Vietnam](#) this month on Vietnam's systemic use of torture on political and religious prisoners. The report details torture and ill-treatment of democracy activists, political prisoners and members of unapproved religious groups including confinement in small spaces, shackling to beds, beatings with truncheons and electric prods, sleep deprivation and sexual humiliation. Prisoners have sometimes been beaten to death in custody. The report contains interview with 60 former detainees including lawyers, students, Buddhists, Christians and ethnic minorities. CAT-VN's report confirms LRWC's concerns outlined in its advocacy with other human rights organizations for Mr. Le Quoc Quan, a human rights lawyer detained in Viet Nam. LRWC has registered as a [supporter of CAT-VN](#) in its campaign to mobilize international and domestic pressure to end all forms of torture in Vietnam. Vietnam has ratified the Convention against Torture and has recently been elected as a member of the UN Human Rights Council.



Le Quoc Quan

EDUCATION EVENTS

UPCOMING EDUCATION EVENTS



Dr. Judith Sayers | ecotrust.org

The Right to Say No with Dr. Judith Sayers: Thursday 20 February 2014, 7:00 – 8:30 pm, Alice MacKay room of the Vancouver Public Library, 350 West Georgia St. Vancouver. Admission is free.

Dr. Judith Sayers examines some court cases (Hupacasath and Mikisew Cree) challenging trade agreements and legislation that compromise the right of First Nations to consultation and consent on issues affecting habitats, water, lands and resources, child welfare and education. Dr. Sayers, a member of the Hupacasath Nation, has worked nationally and internationally to protect the rights of First Nations. Dr. Sayers is a Professor in the Faculty of Law at the University of Victoria. She has served as Chief of the Hupacasath Nation, in the political executive of the First Nations Summit and as a member of the Leadership Council of BC.

PAST EDUCATION EVENTS

Consent or Consultation: Examining the Gap

On 30 January 2014, Grand Chief Edward John, Akile Ch'oh, spoke in Vancouver about Indigenous struggles to protect their rights both within Canada and internationally. As hereditary Chief of the Tl'azt'en Nation, a residential school survivor who became a lawyer, executive member of First Nations Summit Task Group, Co-Chair of the North American Indigenous Peoples' Caucus and a North American Representative to the United Nations Permanent Forum on Indigenous Issues, his observations incorporated an impressive depth of knowledge and experience. Akile Ch'oh began his presentation with

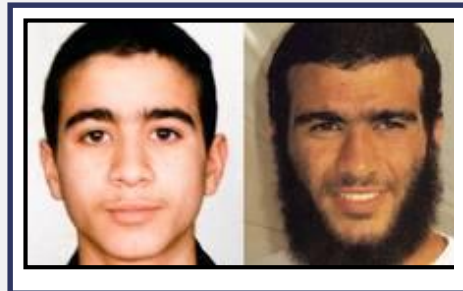


Grand Chief Edward John

a review of the historical origins of current challenges: the declaration of British sovereignty without consultation or consent and the imposition of British law without consideration of pre-existing legal systems of Indigenous peoples. Akile Ch'oh examined differences as to whether the duty to consult imports a need to obtain consent with reference to United Nations Declaration on the Rights of Indigenous Peoples and Canadian jurisprudence. He spoke of the Declaration, adopted by the UN General Assembly after a 25-year consultation process, as a statement of international law on indigenous rights not yet reflected in Canadian jurisprudence. Canadian cases mentioned included: the BC Court of Appeal decision in *Abousabt et al. v. Canada* (leave to appeal to the SCC denied 30 January), the appeal in *Tsilhqot'in [William v. British Columbia]* (heard by the SCC 7 November 2013) and *First Nations Child and Caring Society v. Canada* before the Canadian Human Rights Tribunal. The talk inspired a fruitful discussion of the complex issues raised. This event was co-hosted by LRWC, Amnesty International Canada, the Hul'qumi'num Treaty Group and the Vancouver Public Library. A welcome to unceded territories was provided by Leah George-Wilson of the Tsleil-Waututh First Nation.

The Omar Khadr Case: A Reality Check

On 5 December 2013, Dennis Edney Q.C., lawyer for Omar Khadr, spoke to a Vancouver audience about current legal challenges in the decade-long legal struggle for Omar Khadr's freedom. Mr. Edney provided details of the illegal 2002 capture of Mr. Khadr in Afghanistan, his detention in Bagram and Guantánamo Bay Prisons and his transfer to a maximum security prison in Canada in 2012. Khadr's appeal from conviction the conviction and sentence imposed in October 2010 by Guantánamo Military Commission was delayed when the Military Commission Review Panel ruled it must first determine jurisdiction before hearing the appeal. To convict Khadr of *ex post facto* offences, the Gitmo tribunal relied solely on statements extracted by over eight years of torture. The U.S. Supreme Court has since ruled that convictions based on *ex post facto* offences cannot be maintained. The event was sponsored by the Free Omar Khadr Now Campaign, LRWC, Amnesty International Canada and the B.C. Civil Liberties Association.



AWARDS

YOUNG PRACTITIONER OF THE YEAR AWARD

Gary Anandasangaree, LRWC member and frequent representative at the UN Human Rights Council in Geneva, was awarded the Young Practitioner of the Year award for 2013 by the South Asian Bar Association of Toronto (SABA). Gary has worked as a human rights activist and lawyer for close to two decades. His work for LRWC includes organizing and speaking at education events in Canada and Geneva and monitoring human rights in Sri Lanka. Gary collaborated with others to ensure passage by the UN Human Rights Council of two resolutions promoting reconciliation and accountability in Sri Lanka. Congratulations Gary!



Gary Anandasangaree

VOLUNTEERS NEEDED

LRWC VOLUNTEERS NEEDED

LRWC is looking for volunteer researchers, writers, translators and members interested in attending sessions of the United Nations Human Rights Council. We are also looking for volunteers to assist with monitoring attacks on human rights defenders in particular countries including: the Philippines, Bahrain, Cameroon, Colombia, Turkey, Viet Nam, Cambodia and Thailand. For a list of legal research topics or information about country monitoring, contact lrwc@portal.ca.

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