

## LRWC NEWSLETTER

April 2014 Edition

### LRWC ACTION NEWS

#### BAHRAIN

**Detention of Abdulhadi Al-Khawaja** - Abdulhadi Al-Khawaja, co-founder and former president of the Bahrain Centre for Human Rights, was arrested and has been arbitrarily detained since 9 April 2011. On the third anniversary of his arrest, thirty NGOs including LRWC [published a statement](#) calling for his release. The work of LRWC and others to free Bahraini human rights defenders and journalists jailed in violation of internationally protected rights to expression, association, assembly, liberty and due process has fallen on deaf ears to date. Mr. Al-Khawaja was sentenced by a military court on 22 June 2011 to life imprisonment on trumped-up charges of 'financing and participating in terrorism to overthrow the government and spying for a foreign country'. He was arrested and charged after criticizing the brutal crackdown on peaceful protests and calling for charges of corruption and torture to be laid against members of the royal family. While in prison, Mr. Al-Khawaja has been tortured, held incommunicado and beaten so badly that surgery was required. An application to extradite Mr. Al-Khawaja to Denmark, based on his dual Bahraini-Danish citizenship, was denied by the Supreme Judicial Council in April 2012. Read about [LRWC's Bahrain work](#) online.



Abdulhadi Al-Khawaja | theguardian.com

#### BANGLADESH

**Abduction of Bakar Siddique** - In response to the abduction and enforced disappearance of Bakar Siddique, [LRWC sent a letter](#) outlining Bangladesh's legal duty to act quickly and effectively to locate Mr. Siddique, return him to safety and prevent further harm to him. The abduction of Mr. Siddique was thought to be in reprisal against his wife for her work as a lawyer defending clients against illegal encroachment, land grabbing, industrial pollution and other acts negatively affecting the environment. LRWC's letter emphasized that failure to act effectively to prevent and punish violations of rights protected by the *International Convention on Civil and Political Rights* was itself a violation of the Convention. Bakar Siddique was located and released.

**Prosecution of Odhikar officers stayed** - Charges against Odhikar officers Adilur Rahman Khan and ASM Nasiruddin Elan were stayed for six months on 15 April by the High Court Division of the Supreme Court, a decision being appealed by the Attorney General. The charges against both men are widely seen as an illegitimate means of punishing Odhikar for reporting on human rights abuses by state officials. Adilur Rahman Khan has been selected for the [Gwangju Prize for Human Rights](#), which will be awarded on 18 May in South Korea. Read about more of [LRWC's Bangladesh work](#) online.



Adilur Rahman Khan | bdtoday.net

## CANADA

**Anti-SLAPP law needed** - LRWC joined the Canadian Centre for Law and Democracy and others in [a letter supporting](#) the Ontario Anti-SLAPP Bill 83, *Protection of Public Participation Act, 2013*. A [joint report for the 2<sup>nd</sup> Universal Periodic Review](#) of Canada filed in October 2012 by LRWC, Canadian Journalists for Free Expression, the BC Freedom of Information and Privacy Association, the Centre for Law and Democracy and PEN Canada highlighted strategic lawsuits against public participation (known as SLAPP suits), as a means by which well-funded parties are able to wrongfully restrict criticism and public debate. The report recommended that all Canadian provinces pass anti-SLAPP legislation.

## MALAYSIA

Human rights lawyer and Member of Parliament Karpal Singh died in a car accident on 17 April 2014. Karpal Singh's courageous and effective advocacy for rights and the rule of law and state efforts to silence and punish him for being an excellent lawyer, inspired the founding of LRWC. We regret his passing and continue to be instructed by his work and example.



Karpal Singh | mole.my

## PAKISTAN



Pervez Musharraf | abcnews.go.com

### Former president indicted over 2007 emergency measures

- Pervez Musharraf, former president of Pakistan, has been indicted on five charges of high treason. The charges are based on allegations that by imposing the "Proclamation of Emergency Order, 2007", removing over 60 Superior Courts judges and requiring remaining and replacement judges to sign an "Oath of Office Judges Order, 2007", Musharraf unlawfully subverted the Constitution of Islamic Pakistan – 1973. Defense counsel have applied to adjourn trial proceedings based on Musharraf's health, security concerns, legal arguments

questioning the jurisdiction of Special Court to try a former army member and allegations of bias against the judges assigned to the case and the Chief Prosecution, Akram Sheikh. Defense counsel also maintain that the charges are politically motivated and procedural fairness cannot be guaranteed before the Special Court as one of the judges (Justice Faisal Arab who leads the three court judges) was sacked by Musharraf in 2007 and therefore cannot act impartially and have called on United Nations for support. The prosecution can be considered a landmark as it is the first time in Pakistan that a former military

ruler has been indicted by a civilian court for high treason. Some of LRWC's work opposing the 2007 emergency measures—including calling on the same UN authorities now being called upon to stop the Musharraf trial—[can be viewed online](#). After the judges were reinstated in 2009, Aitzan Ahsan, counsel for the sacked Chief Justice, observed that LRWC was the only western group to stick by lawyers and judges in Pakistan throughout legal crisis caused by emergency measures.

## PHILIPPINES

**Human rights lawyer labelled and threatened** - Lawyers for Lawyers (L4L) and LRWC sent an [open letter](#) to President Aquino warning against labeling lawyers as enemies of the state by the military and thereby threatening their professional and personal safety. Atty. Maria Catherine L. Dannug-Salucon, reportedly on the military's Watch List of so-called 'Communist Terrorist' supporters providing legal services, has been the subject of death threats, surveillance and verbal intimidation by military officers. The practice of labeling, in combination with the culture of impunity and the military involvement in politics, has been identified by national and international fact-finding commissions as a root cause of extrajudicial killings in the Philippines since 2001. Many of the lawyers killed between 2001 to 2009 had been labeled as 'enemies of the state'.

## RUSSIA

**Court rules MDC a foreign agent** - The City Court ruled that the Anti-Discrimination Centre Memorial (ADC Memorial) is a foreign agent based on a finding that MDC had received funds from outside Russia and engaged in political activities (defined as anything likely to "influence public opinion in order to change the policy"). The political activity identified by the court was filing a report with the United Nations Committee against Torture in 2012, "Roma, migrants, activist: victims of police abuse" critical of the use of torture and other ill treatment by police. LRWC had written a [letter in October](#) pointing out that the proceedings against MDC violate Russia's international law obligations to ensure freedom of expression as well as the September 2013 resolution of the Human Rights Council calling on States to allow civil society to operate freely.

## VIET NAM

**Four released, Le Quoc Quan still in jail** - Four people imprisoned for expressing opinions contrary to those endorsed by government were released recently. **Vi Duc Hoi** and **Nguyen Tien Trung** were released from prison on 11 and 12 April respectively and are now under house arrest. Hoi had been sentenced in 2011 to five years for engaging in anti-government propaganda (Penal Code, article 88). Trung, arrested in 2009, had been sentenced to seven years for 'subverting the people's administration' (Penal Code, article 79). [Dinh Dang Dinh](#), imprisoned in 2011 for launching a petition against a bauxite mine project, was released on 21 March and died 3 April of cancer not treated in prison. [Cu Huy Ha Vu](#), sentenced in 2011 to seven years for anti-government propaganda, was released on condition that he go into exile. The wrongful imprisonment of Cy Huy Ha Vu, a disbarred lawyer, was raised by LRWC and L4L in [a report filed for the UPR](#) of Viet Nam. The Report of UPR Working Group will be presented to the Human Rights Council in June. Many other people including several lawyers remain wrongfully imprisoned on charges that violate the most basic freedom of expression standards. Other lawyers wrongly imprisoned for making unpopular statements or representing unpopular clients include **Le Quoc Quan** serving 2 years for tax evasion, **Le Cong Dinh** serving 5 years for 'activities to overthrow the government', and **Nguyen Van Dai** (also known as



blogger Dieu Cay) currently under house arrest on a 12 year sentence for conducting 'anti-state propaganda'. The release of **Vi Duc Hoi**, **Nguyen Tien Trung**, **Dinh Dang Dinh** and **Cu Huy Ha Vu** may be associated with Viet Nam's effort to conclude the TPP with the U.S.. Viet Nam was criticized during the UPR in February for using the criminal system to jail critics. Sweden noted that since the first UPR of Viet Nam, at least 58 people had been jailed for criticizing the government. Viet Nam was elected to the Human Rights Council in November 2013. In the LQQ case, a request for revision of the Appeal Court decision has been made. LRWC and partners continue to advocate for his release.

## EDUCATION EVENTS

### UPCOMING EVENTS

**KINDER MORGAN AND NORTHERN GATEWAY** with Grand Chief Stewart Phillip and Ardith Walkem

Thursday 1 May 2014, 7:00 p.m., Alice MacKay room of the Vancouver Public Library, 350 West Georgia Street, Vancouver.

There are many unresolved issues concerning the relationship between the sovereignty of the original nations and the aspirations of the major corporations that shape Canada's economy. These have come to a head. The need to protect existing resource industries such as fishing and tourism to provide for future generations is now pitted against short-term profit from the exploitation of non-renewable oil, gas and water resources. [See the poster.](#) Co-hosted by Amnesty International Canada, the Hul'qumi'num Treaty Group, LRWC and the Vancouver Public Library.



Grand Chief Stewart Phillip |  
vancouver.sun.com

**SPEAKING OUT ON HUMAN RIGHTS: DEBATING CANADA'S HUMAN RIGHTS SYSTEM** with Pearl Eliadis



Pearl Eliadis | bccla.org

Monday 9 June 2014, 7:00 pm Alma VanDusen Room, Vancouver Public Library Central Branch, 350 West Georgia St., Vancouver

Pearl Eliadis' new book, *Speaking out on Human Rights: Debating Canada's Human Rights System*, McGill-Queen's University Press, analyzes the rhetoric and reality surrounding Canada's most contested agencies, human rights commissions and tribunals. Canada's human rights system has to navigate between governments and civil society in an increasingly hostile governance environment. Eliadis explodes the pervasive myths about these institutions, while offering a frank assessment of their performance and their role in mediating conflicts in such contentious areas as hate speech, religious freedoms, and sexuality.

Pearl Eliadis is a human rights lawyer, lecturer and author. She teaches Civil Liberties at McGill's Faculty of Law and has published extensively on human rights, public policy, and equality law. A member of the McGill Centre for Human Rights and Legal Pluralism, Pearl was appointed President of the Quebec Bar Association's Advisory Committee on Human Rights in 2013.



## PAST EVENTS

### LAND RIGHTS ARE HUMAN RIGHTS with Robert Morales

Approved by the Law Society of BC for 2 Continuing Professional Development credits.

Robert Morales' talk at the Vancouver Public Library on 3 April 2014 identified common law methodology as a major obstacle to effective reconciliation with the "aboriginal and treaty rights" affirmed by s. 35 of the *Constitution Act, 1982*. The practice of ignoring international law to rely exclusively domestic law has made it difficult to escape entrenched colonial assumptions. Morales advocated for a change in paradigm to apply the international human rights standards that Canada has agreed to uphold through its support of a series of instruments commencing with the Charter of the United Nations. Morales reviewed this approach in a number of cases: *Awas Tigni v. Nicaragua*, *Saranaka v. Surinam*, *Sayboyamxa v. Paraguay*, *Yakaya Axa v. Paraguay*, *Endorois v. Kenya* and *Hul'qumi'num Treaty Group v. Canada* which oblige states to demarcate and protect traditional territories using transparent processes in consultation with the Indigenous peoples concerned. [Watch the video](#); [learn from the power point](#). Co-hosted by Amnesty International Canada, the Hul'qumi'num Treaty Group, LRWC and the Vancouver Public Library.



Robert Morales

## UNITED NATIONS HUMAN RIGHTS COUNCIL

UPR Info and 18 NGOs made [a joint statement](#) during the 25th session of the Human Rights Council to regret the lack of specific recommendations from the second cycle of the Universal Periodic Review (UPR). The UPR process, originally hailed as cooperative, has been criticized as an ineffectual process that excludes criticism of states for egregious and systemic human rights violations and congratulates the empty promises of states to improve compliance with international human rights obligations. LRWC has filed seven reports in relation to the UPRs of five states. Reports, including joint reports, were filed by LRWC in relation to: Canada in September 2008 and October 2012; China in September 2008 and March 2013; Mexico in March 2013; Iran in March 2014; and Viet Nam in June 2013. LRWC partners for these UPR reports included Lawyers for Lawyers, the Law Society of England and Wales, the BC Freedom of Information and Privacy Association, Canadian Journalists for Free Expression, the Centre for Law and Democracy and PEN Canada.

## NOTABLE DECISION

### Spanish Court Refuses to stop investigation of torture at Guantánamo Bay

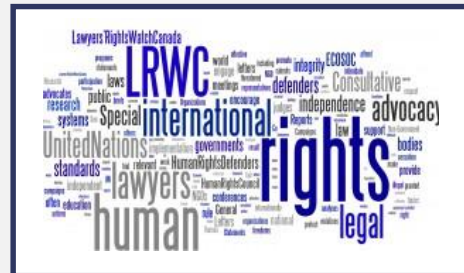
[Diligencias Previas 150/2009-P. Auto del Juzgado Central de Instrucción nº 5 de 15 de abril de 2014 incoando sumario por torturas y crímenes de guerra](#) (Sumario 2/2014)

On 15 April 2014, Spain's Audiencia Nacional (Judge Pablo Ruz) ruled to continue investigating torture at Guantánamo Bay prison in spite of recent legislative restrictions limiting the jurisdiction of Spanish courts to investigate crimes committed outside Spain to instances where the suspect(s) are in Spain. Judge

Pablo Ruz ruled that the international law obligations to investigate credible allegations of torture take precedence over the new restrictions. He went on to renew the request for the Obama administration to provide information about US investigations. Spain's Popular Party had fast tracked new legislation restricting Spain's universal jurisdiction after a Spanish judge issued a warrant for the arrest of five Chinese Government officials for genocide and other crimes in Tibet. Seventeen international groups including Canada-based Lawyers against the War and Lawyers Without Borders/Canada [issued a public statement opposing the changes](#) as contrary to international law obligations. Under the new law, for crimes against humanity and war crimes involving allegations of genocide to be investigated and prosecuted in Spain, the suspect must either be a Spanish national, a foreigner habitually resident in Spain or a foreigner present in Spain whose extradition has been denied by Spanish authorities. For Spain to assume jurisdiction over crimes of torture and enforced disappearance, the new law requires that either the suspect or the victim be a Spanish national *and* that the suspect is present in Spain.

## ANNUAL GENERAL MEETING

LRWC and LRW(Legal Research)C held their Annual General Meeting on Friday 25 April 2014 in Vancouver. Members participated in person, by teleconference and by proxy. Election of Directors, other annual business and the resolutions required for transition to the Not-for-Profit Corporations Act were followed by reports from Catherine Morris, Gail Davidson and Clive Ansley about the past year's work and plans for the coming year. Elected as directors of LRWC are: Clive Ansley, Gail Davidson, Andrew Guaglio, Leo McGrady Q.C., Heather Neun, David F. Sutherland, Maureen Webb and Dr. Grace Woo. Elected as Directors of LRW(LR)C are: Siobhan Airey, Lois Leslie, Dr. Ed Levy, Gavin Magrath, Robert Morales, Catherine Morris, Margaret (Peggy) Stanier and Vani Selvarajah.



## LRWC AIRMILES

### Ways to Collect:

- Ask us for a LRWC Airmiles card and use it to collect miles from participating vendors.
- Contact us to receive YOUR card today ([lrwc@portal.org](mailto:lrwc@portal.org), 604-738-0338).
- Ask for our barcode and scan it at participating vendors.

### Ways to Donate:

- Transfer Airmiles from your account to LRWC by calling 1-888-247-6453.
- LRWC's account is 8008-979-6800.



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.

Airline points donated to LRWC qualify as a tax-deductible donation!

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