

LRWC NEWSLETTER

September 2014 Edition

LRWC ACTION NEWS

BAHRAIN

Police assaulted and arrested prominent human rights defender Maryam Al-Khawaja at the Manama airport on 30 August. Ms Al-Khawaja, who is a citizen of both Bahrain and Denmark and resides in Denmark, was in Bahrain to visit her father, Abdullah Al-Khawaja, who is currently serving a sentence of life imprisonment for his lawful human rights and pro-democracy advocacy as founder and former president of the Bahrain Centre for Human Rights, a group that LRWC works with. [LRWC's 5 September letter](#) called on the Government of Bahrain to release Ms Al-Khawaja and withdraw any charges. Ms Al-Khawaja was released on 18 September after being held incommunicado.



In response to learning that Ms Al-Khawaja was charged with assaulting a police officer during her arrest and was scheduled to appear in court on 5 October, LRWC sent a [second letter on 25 September](#) to the Government of Bahrain on 25 September stating that the Government actions had irretrievably impaired Ms Al-Khawaja's fair trial rights and according withdrawal of the charges was necessary. Actions cited were: arbitrary detention; confiscation of Mr Al-Khawaja's Danish passport and cancellation of her Bahraini citizenship without authority or notice; incommunicado detention and denial of access to counsel; refusal to receive and review exculpatory evidence.

CAMBODIA



Villagers in Lor Peang |
khmerization.blogspot.ca

LRWC sent a [letter on 2 September](#) objecting to the arrest, detention and prosecution of five land rights activists from the village of Lor Peang. LRWC views the arrests and prosecutions as politically motivated reprisals for the activists' lawful human rights advocacy and calls for withdrawal of all charges. The five were arrested for opposing construction of a 2-metre concrete wall by KDC International Company Ltd, a company owned by the wife of Cambodia's Minister of Mines and Energy. Before the protest, the UN Special Rapporteur on the situation of human rights in Cambodia had called for a halt to the construction and to forced evictions from Lor Peang until rights to the land are fairly determined by an independent tribunal. The lawsuit filed by Lor Peang residents in 2007 has been sidetracked. LRWC's letter outlines details of the arrest and detention

of each of the targeted villagers and an explanation of the applicable law.

COLOMBIA

In August, Colombia Caravana delegates heard many accounts of the challenges facing lawyers in the practice of their profession. One graphic illustration came during a meeting that Heather Neun and several other delegates attended with the Colombian Association of Labour Lawyers. Within the previous week, one of these lawyers, Arturo Portilla Lizarazo, had received the latest in a series of death threats extending back to January 2014. He had also been subject to illegal surveillance. Based on a review of the threat and the filed criminal complaint, LRWC [sent a letter to President Santos](#), expressing concern for Mr. Portilla's safety and calling on the State to: (i) extend effective protective measures to him and his family; and (ii) ensure that the relevant state authorities carry out a complete, impartial and effective investigation, so that those responsible are identified and held accountable for the threats and surveillance.

INDONESIA

Prominent Papuan lawyer Gustaf Kawer is being investigated for the criminal offence of "resistance to a public official." The investigation is based on the allegation that Mr. Kawer questioned, while in court and as counsel for the indigenous parties, the presiding judge's impartiality in a land claims case. LRWC wrote a letter asking for the investigation to cease and cautioning against the laying of charges given that words spoken in court are protected from criminal and civil suits and that the highest duty of lawyers in a rule of law system is to 'resist public officials' when necessary in order to advocate on behalf of clients asserting rights.



MALAYSIA



N. Surendran | themalasianinsider.com

LRWC [wrote a letter objecting](#) to two sedition charges against N. Surendran, lawyer and Member of Parliament. Surendran represents former Deputy Prime Minister and leader of the opposition Anwar Ibrahim, who currently faces charges in a series of politically motivated sodomy prosecutions ongoing for 14 years. Ibrahim's former lawyer, Karpal Singh, was charged and convicted of sedition and then killed in a car accident. The prosecutions of N. Surendran are particularly alarming given that the first is based on alleged words spoken in court in the course of defending his client and the second—filed after he pled not guilty to the first—is based on an

alleged statement suggesting that the sodomy charges against his client were perhaps politically motivated. A rash of sedition prosecutions in Malaysia has seen charges against lawyers, opposition members of parliament, opposition politicians and government critics; all charged with sedition for allegedly making statements in court, in parliament or in public on issues of public concern. A sedition conviction carries a possible fine of up to RM 5,000 and/or a jail term up to three years.

THAILAND

LRWC objects to Thailand becoming a member of the UN Human Rights Council: LRWC [published a statement](#) outlining why States should not vote—at the General Assembly on 12 November—in favour of Thailand's becoming a member of the Human Rights Council at this time. On

22 May the government of Thailand was overthrown by the military now operating under the name “National Council for Peace and Order” (NCPO). The NCPO has imposed measures and taken actions that violate the most fundamental international human rights laws and principles including: an interim constitution placing all government functions under military control; orders abrogating judicial independence; orders ensuring impunity for NCPO officials; use of military tribunals to try civilians; criminalization of free expression, association and assembly; and the widespread use of arbitrary and incommunicado detention of opponents and their advocates. LRWC’s statement recommended that States undertake diplomatic initiatives to promote free and fair elections and adherence to Thailand’s international human rights obligations.

Prosecution of UK citizen Andy Hall for reporting on labour abuses by corporation:

UK citizen Andy Hall was tried 2 to 10 September for criminal defamation for reporting on labour abuses by a Thai corporation, Natural Fruit Co. Ltd. Natural Fruit has launched a series of criminal and civil law suits against him. Representatives from UK, Australia and Finland attended the September trial. The UK Government successfully asked the court for the return of Mr. Hall’s passport on the grounds it is the property of the UK government. The verdict in this case is scheduled to be delivered on 29 October. If found guilty the maximum



Andy Hall

penalty will be one year of imprisonment. On 30 October, the first hearing will be held in a US \$10 million civil defamation case against him by Natural Fruit. On 17 November, a pre-trial hearing is scheduled in additional charges of criminal defamation and under the Computer Crimes Act. LRWC’s work to secure justice in this case is posted on the LRWC website in the [Campaigns/Thailand section](#).

Somyot appeal dismissed: On 18 September 2014, the Court of Appeals upheld the Bangkok Criminal Court’s conviction of Mr. Somyot Pruksakasemsuk under Article 112 of the Thai Criminal Code (lèse-majesté) and sentenced him to 10 years in prison on two counts of violating the lèse-majesté law. Mr. Somyot was convicted for allowing, as editor, the publication of two satirical articles, written by someone else, in his magazine, Voice of Thaksin, that were deemed “insulting” to the monarchy. The court failed to inform Mr. Somyot, his lawyer or his family members that the hearing would take place on 18 September. Mr. Somyot plans to appeal to the Supreme Court. Numerous applications for bail have been denied despite an opinion by the UN Working Group on Arbitrary Detention that Mr. Somyot’s detention is arbitrary. LRWC [letters on behalf of Mr. Somyot](#) can be viewed on the LRWC website.

VIET NAM

LRWC and 10 other NGOs filed a second [Petition](#) with the UN Working Group on Arbitrary Detention (WGAD) on behalf of disbarred lawyer, blogger and human rights activist Le Quoc Quan, currently serving a sentence of imprisonment for tax evasion. The petitioning NGOs submitted in their first Petition that the tax evasion charges were politically motivated and improperly determined given that Viet Nam had denied rights to counsel, pre-trial release and fair rights in determining the charges. On review of the first Petition, the WGAD determined in November 2013 that Le Quoc Quan had been deprived of rights to liberty and a fair trial in contravention of the *International Covenant on Civil and Political Rights* and his detention was



Le Quoc Quan

therefore arbitrary. Viet Nam has ignored the Opinion and WGAD recommendations to either release or retry Le Quoc Quan and to provide reparation for his unwarranted pre-trial detention. LRWC and Lawyers for Lawyers [filed a report](#) with the UN Human Rights Council in May 2014 and have continued to monitor the case. LRWC also [made written submissions in Vietnamese](#) to the appeal court on rights to pre-trial release. The second Petition asks the WGAD to recommend the immediate release of Le Quoc Quan.

INTERNATIONAL COLOMBIA CARAVANA 2014

The International Caravana of Lawyers and Jurists made its fourth biennial visit to Colombia from 23-31 August 2014. Among the 70 or so participants from 12 countries were lawyers, lawyer trainees, several law students and five judges. The delegates divided into groups and travelled to seven regions:



Bucaramanga, Buenaventura, Cali, Cartagena, Medellin, Pasto and Santa Marta. While in the regions, the delegates met with regional human rights lawyers and defenders, victims and victims groups, as well as government officials. On return to Bogotá, the Caravana delegates met with courts, human rights lawyers and national groups focused on human rights defence and research, women's rights and indigenous rights. Several delegates attended the debate in Congress regarding the Colombian government's controversial proposal to expand military jurisdiction, a reform project that is opposed on the basis that it violates international human rights law. The delegates also met with their respective embassies, as well as various Colombian government officials, to whom the delegates communicated their observations and concerns raised during the regional visits.

LRWC was pleased to send four delegates this year. Flora Vineberg and Samina Ullah, both students in their final year of their JD degree at the UBC Faculty of Law, travelled to Santa Marta and Pasto, respectively. Vancouver lawyer Heather Neun travelled to the city of Cali, in Valle del Cauca Department, an area that has seen in recent years the highest number of killings of lawyers, as well as worrying levels of harassment, stigmatization and attacks against lawyers, and even an attempted forced disappearance last year.

The fourth LRWC delegate, Justice Brent Knazan of the Ontario Court of Justice, travelled to Bucaramanga with a group that included Judge Ingelse of the Netherlands Court of Appeal. While there, the two judges interviewed Judge Solano, a trial judge convicted of the crime of *prevaricato* (perversion of justice) and now under house arrest. Read more of Heather Neun's [summary report](#) and the interim Caravana report, [International Caravana of Lawyers – 2014 Colombia: The search for real justice continues](#).

A central goal of the Caravana is to draw international attention to and demonstrate concern for the situation for lawyers and other justice system operators, including prosecutors and judges, in Colombia. The physical presence of international observers also helps to help protect lawyers and legal professionals, in part, by validating the important role that these actors play in the administration of justice and in ensuring access to justice for Colombians. As Colombian human rights lawyer Judith Maldonado observed to delegates, the provision of physical protective measures like bulletproof vests and armoured cars may stop the bullets, but initiatives like the Caravana mean that bullets will never be fired in the first place. LRWC is proud to be part of that result.

UN HUMAN RIGHTS COUNCIL – 27TH SESSION, 8-26 SEPTEMBER 2014

In his inaugural opening statement, the new High Commissioner for Human Rights Zeid Ra'ad Al Hussein spoke against all war and lamented the habit of instigators and perpetrators of war to characterize their illegal use of aggression as “somehow necessary”.

LRWC Participation

LRWC was represented in Geneva at the 27th Session of the HRC by: Toronto-based lawyers Gavin Magath during the first week; Victoria-based lawyers Catherine Morris and Paul Scambler during the second week and Toronto-based lawyer Gary Anandasangaree during the last three days. LRWC made two oral interventions during the second week. Two other oral interventions were prepared but not delivered: one due to scheduling error and the other due to the list of NGO speakers being shortened to accommodate scheduling. Descriptions and links to all four statements are below.

Oral Interventions

- [*Reports of the Special Rapporteur on Indigenous Peoples and Reports of the Expert Mechanism on the Rights of Indigenous Peoples*](#), oral intervention by the Indigenous World Association and LRWC to the HRC on 17 September 2014, presented by Kenneth Deer. The video of Kenneth Deer delivering this statement can be viewed by going to [this link](#), scrolling down to and clicking on Item 43. The statement prepared by the IWA described the report of Special Rapporteur James Anaya on Canada as a “scathing indictment of one of the richest countries in the world”, citing a widening well-being gap, little to no progress in education, health care, missing and murdered women, housing or poverty reduction and lack of meaningful consultation with First Nations people on these issues.
- [*Rights of Indigenous Peoples: Access to Justice and Protection of Human Rights Defenders in Disaster Risk Reduction*](#), oral intervention by LRWC to the HRC Panel on the Rights of Indigenous Peoples on 17 September 2014, presented by Catherine Morris. The video of Catherine Morris presenting this statement during the Panel Discussion on Indigenous Peoples can be viewed by going to [this link](#), starting the video and fast forwarding to 2:27:30. This statement highlighted the urgent need for protection and access to remedies for indigenous rights activists subject to attacks in reprisal for their advocacy. Examples of indigenous activists under attack in Brazil, Colombia and Thailand as was persistent inadequacy of access to remedies in Canada.
- [*Re: Report of the Special Rapporteur on Cambodia*](#). Oral statement prepared for presentation by LRWC on behalf of LRWC and the ALRC on 24 September. This statement highlights continuing attacks by state authorities on human rights defenders and land activists and the absence of recourse to the courts due to lack of judicial independence. This statement was not delivered because of a scheduling error.
- [*Human Rights Defenders subjected to arbitrary detention and enforced disappearance*](#) prepared for presentation by LRWC on 10 September. This statement commends the reports of the Working Groups on Arbitrary Detention and Enforced Disappearances and condemns prevailing impunity. The statement was not delivered as the list was cut off at #8 to address being behind schedule and LRWC was #10.



EDUCATION EVENTS

UPCOMING

Legal Aid: A Right or a Privilege?



Join the discussion about these two new LRWC publications:

[*The Right to Legal Aid: A Guide to International Law Rights to Legal Aid*](#)

[*The Right to Legal Aid: How BC's Legal Aid System Fails to Comply with International Law Obligations.*](#)

Wednesday October 1st, 2014, 7:00 pm, Alice MacKay Room, Vancouver Public Library 350 West Georgia Street, Vancouver

Admission free: Seating is limited. Approved for CPD credits by the Law Society of BC

Legal aid is an essential component of a fair legal system founded on equality and the rule of law. LRWC's new publications examine international law duties to provide legal aid and how BC's legal aid system fails. An introduction to the publications by author Lois Leslie will be followed by comments from panellists and a discussion. Panellists are Austin Cullen, Associate Chief Justice of the Supreme Court of BC, The Honourable Anne Rowles, Retired Justice of the BC Court of Appeal and lawyers Phil Rankin and Birgit Eder with moderator Michael Mulligan.

PAST

Canadian Human Rights on Trial: the Case of Omar Khadr

In Winnipeg on September 19, 2014 Edmonton lawyer Dennis Edney QC (recipient of the National Pro Bono Award (2008), Human Rights Medal (British Columbia, 2009) and Human Rights Award (John Humphrey Centre for Peace and Human Rights 2013) was honoured at a dinner held in recognition of a decade of pro-bono work on behalf of his client, Omar Khadr. The event was organized to coincide but in contrast with the opening of the controversial Canadian Museum for Human Rights. Highlighted was the contradiction between the claim of the Canadian government to support human rights and their complicity in Omar Khadr's persecution, their refusal to redress the violation of his rights and their insistence on his continued incarceration.



Mr. Edney introduced his talk, "Human Rights On Trial: The Case of Omar Khadr", with the words: "It is difficult to discuss the Omar Khadr case without discussing the rule of law, human rights and the role the government play in his story. It reflects the failure of civil society, its institutions, and its people to speak out in ensuring our shared values of a just society are carried out."

The evening was held to not only honour Mr. Edney, but also to raise awareness about Omar Khadr's struggle for justice and to help raise funds for his defense. [Watch the video.](#)

LRWC MEMBERS CONTRIBUTING PRO BONO IN SEPTEMBER

Thank you to LRWC members and volunteers working *pro-bono* during September on letters, research, writing, education, investigations and advocacy: Gary Anandasangaree, Lisa Barrett, Marion Caussanel, Erika Chan, Kathleen Copps, Gail Davidson, Steven Kelliher, Ekaterina Khassanova, Lois Leslie, William Liaw, Gavin Magath, Catherine Morris, Paul Scambler, Heather Neun, Hillary Song, Samina Ullah, Vani Selvarajah and Isabel Stramwasser.

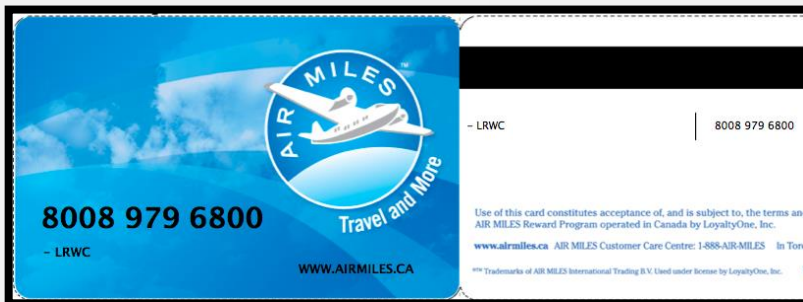
LRWC AIRMILES

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, 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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