

LRWC NEWSLETTER

February - March 2015 Edition

LRWC ACTION NEWS

ARGENTINA

Prosecutor found shot dead the day before he was to give evidence of government cover-up

On 18 January Argentinean Special Prosecutor Alberto Nisman was found shot dead in his home with a .22 calibre gun nearby. Nisman had been scheduled to testify in front of congress on 19 January. He was planning to present evidence he claimed implicated the president of Argentina Cristina Fernández de Kirchner and Foreign Minister Héctor Marcos Timerman in a government cover-up related to the 1994 AMIA bombing in Buenos Aires. In the days following Mr. Nisman's death the President of Argentina and senior officials made statements describing Mr. Nisman's death as a suicide, despite the lack of a suicide note and the fact that no gunpowder residue was found on Nisman's hands. On 22 January President Kirchner changed her position and said the prosecutor's death was probably not the result of suicide. On 26 January President Kirchner announced her intention to dissolve Argentina's intelligence network because she believed rogue agents had misled Mr. Nisman. LRWC sent a letter rejecting the conclusion of suicide and outlining the duty to ensure an independent investigation in order to determine the cause of death. One month following Mr. Nisman's death members of the Nisman family and his former colleagues organized a "silent march" to demand answers. Over four-hundred thousand protesters marched through the streets of Buenos Aires demanding transparency and an independent investigation into the death of Alberto Nisman. On March 26, a federal court of appeals dismissed the charges against President Kirchner originally laid by prosecutor Alberto Nisman four days before he was found dead.



Alberto Nisman

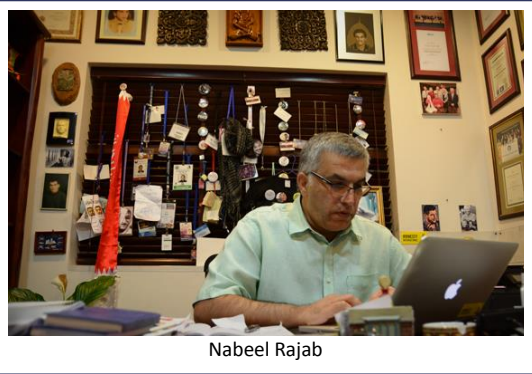
BAHRAIN

Two threatened with prosecution for speaking at Human Rights Council event

LRWC joined 27 others NGOs to call—[in an open letter](#)—for a stop to reprisals against Bahraini citizens for participating in the work of the UN Human Rights Council. On 15 March 2015 two people speaking at a side event to the 28th Session of the Human Rights Council in Geneva were threatened with prosecution. The threats were made by a member of the Bahrain Parliament and Chair of the Parliamentary Human Rights

Committee to Husain Abdulla and Abdulnabi Al-Ekri was removed from a side event for threatening two of the speakers with prosecution in Bahrain. Threats and attacks against advocates for engaging with the UN human rights system have increased in recent years. Authorities continue to systematically target defenders who collaborate with the international mechanisms with trumped up charges determined by the judiciary, which lacks independence and does not ensure internationally recognized fair trial standards.

Nabeel Rajab threatened with another malicious prosecution



Nabeel Rajab

On 15 March 2015, the Bahrain Criminal Court of Appeal adjourned its verdict in Mr. Rajab's appeal against a six-month prison sentence from 16 March to 15 April 2015. The travel ban imposed 2 November 2014 remains in place. The persecution continues. On 26 February 2015 Nabeel Rajab was summoned to the police station, interrogated and advised that he was charged with 8 additional offences arising from a speech he gave at a memorial service. Charges are: a/ inciting clerics to protest in the streets or participate in protests; b/ accusing police and the Minister of the Interior of torture; c/ calling for re-opening the Pearl roundabout; d/ accusing the

regime of impoverishing the people; e/ working with activists abroad to distort the image of Bahrain; e/ accusing the regime of marginalizing and discriminating against Shia; f/ accusing the Ministry of Interior of killing people; and, g/ calling the events happening in Bahrain a revolution. LRWC wrote on [26 February](#) asking Bahrain authorities to withdraw the charges.

CAMBODIA

Twelve land activists still in jail

30 civil society organizations, including LRWC joined in advance of International Women's Day, to call for the immediate release of 12 Boeung Kak Lake land and housing rights activists imprisoned since May 2012 for exercising internationally protected rights to expression, assembly, association and dissent. The [6 March 2015 Joint Statement](#) is available in Khmer and English.

CANADA

Canada: Legal Aid in British Columbia

In the fall of 2014, LRWC published two reports on legal aid researched and written by LRWC member, Lois Leslie:

- [The Right to Legal Aid: A Guide to International Law Rights to Legal Aid](#), and
- [The Right to Legal Aid: How British Columbia's Legal Aid System Fails to Meet International Obligations](#).

LRWC provided these reports to several British Columbia (BC) Members of the Legislative Assembly (MLAs) and BC's Attorney General (AG) and Deputy AG on legal aid. LRWC members Michael Mulligan and Catherine Morris participated in follow-up meetings with opposition MLA and Justice Critic, Leonard Krog, on 26 February 2015, and on 10 March 2015 with Deputy Attorney General Richard Fyfe, Assistant Deputy Minister Jay Chalke and Executive Director, Criminal Justice and Legal Access Policy Division, James Deitch to discuss the reports. A [statement](#) was provided at the meetings which pointed out that:

- In 1992, the Province of BC imposed the PST on legal services for the express purpose of funding legal aid, but that less than an estimated 43% of the tax collected is provided to BC's Legal Services Society (LSS), the body with statutory authority to provide legal aid;

- UN human rights monitoring bodies have since 2005 repeatedly criticized BC for its failure to ensure legal aid necessary to guarantee access to justice for poor people, including indigenous peoples, women and minorities, but BC has not implemented the legal aid recommendations of the UN Committee on Economic, Social and Cultural Rights (CESCR) in 2006, the UN Committee on the Elimination of Discrimination Against Women in 2008 and 2015 or the UN Committee on the Elimination of Racial Discrimination in 2012;

- The LSS does not have the necessary mandate to administer legal aid according to international human rights standards, and its Board of Directors is controlled by BC government appointees, contrary to UN General Assembly's 2013 *Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*.



Sally T. Buck

LRWC recommended that BC ensure that the Provincial Sales Tax (PST) on legal services be directed to legal aid, as the [Hansard](#) indicates was the intention of the Legislative Assembly in 1992; that BC implement its international law obligations to provide legal aid; and that BC ensure independence for the administration and provision of legal aid. LRWC recommended that BC enact legislation to provide legal aid in compliance with international law to ensure access to legal aid for civil, administrative and criminal law matters in all cases where the individual cannot adequately protect his/her rights without legal representation and cannot afford a lawyer. In addition to providing the statement to key members of the BC media, LRWC sent copies of the statement to the Law Society of BC, the BC Branch of the Canadian Bar Association and the Trial Lawyers Association of BC.

Bill C-51 See below

COLOMBIA

LRWC and L4L sent a letter on 21 March 2015 calling on the Government of Colombia to stop the persecution and harassment of Colectivo de Abogados José Alvear Restrepo (CAJAR) lawyers by state agents. The letter cites recent illegal surveillance of CAJAR lawyer Reinaldo Villalba by the Criminal Investigation Section of the National Police. The letter also addressed the need to counter public vilification of CAJAR lawyers (ex-president Uribe recently called the CAJAR, collective 'FARC') by publicly acknowledging the value of the work of CAJAR lawyers and other human rights defenders. LRWC has previously exposed and recommended remediation of the failure of Colombia to prevent and punish attacks on lawyers and to ensure their personal and professional safety, through the following activities: an amicus brief further to the petition [Members of José Alvear Restrepo Lawyers' Collective v. Colombia](#) before the Inter-American Commission of Human Rights on 17 April 2013; a report to the UN Human Rights Commission, [Colombia: Failure to fulfill duties in response to attacks on lawyers](#) on 27 May 2014; an oral statement to the UN HRC, [Failure to Prevent and Punish Murder of Lawyers in Colombia](#) on 13 June 2013; participating in three biennial international Colombia Caravana investigations and in reports concerning attacks on lawyers in Colombia; and various other



Reinaldo Villalba | pbicolombia.com

communications.

MALAYSIA

Lawyer charged with sedition for tweet

Lawyers Eric Paulsen, Director of Lawyers for Liberty was charged on 5 February 2015 with sedition for a tweet that is allegedly accusing the Malaysian Islamic Development Department for promoting extremism. After Mr. Paulsen was summoned for questioning,

<http://www.lrwc.org/malaysia-arrest-of-eric-paulsen-and-repeal-of-the-sedition-act-and-end-to-arbitrary-detention-letter/> - ftn2# ftn2 LRWC

wrote on [20 January](#) to authorities calling for repeal of the *Sedition Act 1948* and a halt to any proceedings against Mr. Paulsen. Malaysia is using the act to punish and silence critics including lawyers, parliamentarians, activists, scholars and journalists. UN High Commissioner of Human Rights spokesperson said, "We are highly concerned by the increasing use of the Sedition Act in an apparently arbitrary and selective fashion, against political opposition, human rights activists, journalists, lawyers and university professors in Malaysia since 2014". Phil Robertson, Deputy Director, Asia Division of Human Rights Watch observed, "...There appear to be no limits to Prime Minister Najib's pursuit of his government's critics, since almost any utterance can be twisted into a violation of the broad and vague terms of the Sedition Act. Instead of prosecuting lawyers like Eric Paulsen, the government should be asking for their help to bring Malaysia's antiquated laws into line with international human rights standards - starting with dumping the rights abusing Sedition Act."



Constitutionality of Censorship Act prosecution challenged

The High Court of Malaysia, on 10 March 2015, suspended the trial of charges under the *Film Censorship Act 2002* against Lena Hendry pending a ruling by the Federal Court as to whether the charges are unconstitutional. Ms. Lena Hendry, Programme Coordinator for Pusat KOMAS, an NGO which advocates for democracy and human rights in Malaysia, was charged for organizing a private screening of the award-winning documentary film "No Fire Zone, the Killing Fields of Sri Lanka." LRWC had sent a letter to Malaysia authorities on [6 February 2014](#) explaining that the prosecution contravened rights to expression and to impart information and engage in human rights advocacy and education and requesting withdrawal of the charges.



PAKISTAN

No prosecution of suspects in murder of lawyer Rashid Rehman

Rashid Rehman Khan was murdered on 7 May 2014 for representing a professor charged with blasphemy and LRWC sent authorities a letter on [14 May 2014](#) calling for an investigation. A month prior to his death Rehman had named three people known who should be held responsible in the event of his assassination. These three people were known to have threatened in with death while he was in court representing his client. LRWC learned that these three people were not investigated apparently because of their positions and no other suspects have been identified.



LRWC sent, on 6 March, [a follow-up letter](#) outlining Pakistan's legal duties to investigate the murder of Mr. Rehman and provide the remedies required by law.

SAUDI ARABIA

Lawyer jailed for 15 years for advocacy on behalf of clients, rights and democracy

Waleed Abulkhair is one of the best-known voices for democratic and human rights reform in Saudi Arabia. He is a lawyer and has been an outspoken advocate for an elected parliament, an independent judiciary, a constitutional monarchy and recognition of human rights. He has also advocated on behalf of prisoners of conscience and written many articles identifying grave human rights abuses and the critical need for legal reform. In 2012 he was awarded the Olof Palme Prize for, "...his strong, self-sacrificing and sustained struggle to promote respect for human and civil rights for both men and women in Saudi Arabia. On 6 July 2014 he was sentenced to 15 years in prison, a fine of 200,000 riyals and a 15 year travel ban to begin on completion of the prison term. Waleed was, in the words of the UN High Commissioner of Human Rights, "convicted for peacefully promoting human rights". LRWC has filed a Petition seeking an opinion that his detention is arbitrary from the UN Working Group on Arbitrary Detention. The Petition is endorsed by Lawyers for Lawyers and the Law Society of England and Wales.



Waleed Abulkhair | clarionproject.org

SUDAN

Senior human rights lawyers remain arbitrarily detained

Dr. Farouk Abu Issa and Dr. Amin Maki Madani were arrested on 6 December 2015 by the National Intelligence and Security Services shortly after the two internationally known human rights advocates had signed the Sudan Call, a document that confirms support for the peaceful settlement of armed conflicts in the country and the national dialogue process. Both Dr. Issa and Dr. Madani are elderly and in poor health. LRWC has written letters previously. Although the President had announced their release in late January, the men remain in prison. LRWC sent another letter on [23 February 2015](#) following up on letters sent 16 December and 15 January.



Farouk Abu Issa | hausa.rfi.fr

SYRIA

Human rights defenders in prison without trial for three years

Prominent Syrian human rights defenders, Mazen Darwish, Hani Al-Zitani and Hussein Gharir were arrested 16 February 2012 during a raid on the offices of the Syrian Center for Media and Freedom of Expression (SCM) in Damascus. Darwish is a journalist and Al-Zitani and Gharir SCM staff members. The three men were detained for approximately one year in security branches in conditions amounting to enforced disappearance, where they were subjected to ill treatment and torture and then transferred to Adra Central Prison in Damascus. In February 2013, the three were taken before the Anti-Terrorism Court on charges of "publicizing terrorist acts" under the Anti-Terrorism Law of 2012. Their trial was most recently postponed in January 2015 and no new date set. Seventy-one human rights groups including LRWC [sent a letter on 2](#)

[February 2015](#) calling for their immediate release.

UNITED ARAB EMIRATES

NGOs object to prolonged pre-trial detention of human rights defenders

On the second anniversary of the start of the mass “UAE 94” trial that imprisoned dozens of government critics and reform activists in the United Arab Emirates (UAE), including prominent human rights defenders, judges, academics, and student leaders, a coalition of LRWC and 12 other organizations called on the UAE government on [3 March 2015](#) to release immediately and unconditionally all those imprisoned solely for peacefully exercising their rights to freedom of expression and association following this grossly unfair trial, as well as those who remain detained or imprisoned for publicizing concerns about it.

UN HUMAN RIGHTS COUNCIL – 28th Session, 2-27 March 2015

LRWC Participation

LRWC did not attend this session of the HRC. Amongst the many items on the agenda for review by the HRC were reports from the Special Rapporteurs on human rights defenders, torture, human rights and the environment, human rights in Iran and Myanmar and reports on the UPR outcomes for Iran and Kazakhstan. New appointments were made to the following special mandates: Working Group on the issue of human rights and transnational corporations and other business enterprises; Expert Mechanism on the Rights of Indigenous Peoples; negative impact of unilateral coercive measures on the enjoyment of human rights; and, the situation of human rights in Cambodia. New special mandate appointments scheduled for the June HRC session include: a new member (from Western Europe and other States Group) to the Working Group on Arbitrary Detentions and a new Special Rapporteur on the independence of judges and lawyers. LRWC plans to nominate candidates for each of these important positions.

Oral Interventions

LRWC joined two oral interventions by Lawyers for Lawyers on the UPR outcomes for Iran and Kazakhstan. Videos of the presentations of both oral interventions are available online: [Iran](#) and [Kazakhstan](#).

The Independent Commission of Inquiry on the 2014 Gaza Conflict

The Commission requested that presentation of its report be deferred to the June 2015 session from the expected presentation date of 23 March 2015. On 3 February Commission Chair Professor William Schabas announced he was withdrawing from the Commission so that Israel’s accusations against him did not overshadow the work of the inquiry. Professor Schabas, internationally recognized as a distinguished international human rights and humanitarian law specialist, explained that his human rights work “appears to have made me a huge target for malicious attacks (...)” LRWC wrote a [letter in February 2014](#) criticizing Canada’s Minister of Foreign Affairs for calling the appointment of Professor Schabas “a sham”.

NOTABLE REPORTS - CANADA

Bill C-51 has been criticized as unnecessary, dangerous and a threat to rights to expression, dissent and liberty. Critics come from all sectors: jurists, academics, human rights specialists, First Nations leaders, ex-judges and prime ministers, environmental advocates and others. See [Bill C-51, Anti-terrorism Act, 2015: Selected Commentaries and Analyses](#).

This 68-page omnibus bill seeks to create two new statutes—*Security of Canada Information Sharing Act* and the *Secure Air Travel Act*—and amend the *Criminal Code*, *Canadian Security Intelligence Service Act*, *Immigration and Refugee Protection Act*, *Canada Evidence Act*, *Aeronautics Act*, *Competition Act* and the *Mutual Legal Assistance in Criminal Matters Act*. It was introduced

in Parliament on 30 January, passed second reading on 23 February and went before the House of Commons Standing Committee on Public Safety and National Security (SECU) in March. Debate in the House of Commons was cut off when the majority Conservatives invoked closure for the 88th time since being in power. Full debate before SECU was prevented by a number of tactics. During initial SECU discussions NDP opposition members asked for 25 sessions that would allow the committee to hear at least 80 witnesses. Their estimates of the time need may have been based on past practice. When considering post-9/11 amendments, the SECU held 19 sessions and heard 80 witnesses. This discussion was summarily ended when the committee voted to overturn the Chair's decision to continue the debate and limited the SECU review of the bill to eight 2-hour sessions during which they would hear from 48 witnesses (29 selected by Conservatives, 14 by NDP and 5 by Liberals) and gave members 3 hours to secure witnesses.

During the hearings, Conservative members of SECU further blocked proper debate and knowledge-sharing by failing to put before SECU cogent justifications for the bill or responses to concerns; posing insensible, rhetorical questions to witnesses such as that put to BCCLA Senior Counsel, Carmen Cheung, who after completing her ten- minute presentation, was asked by Conservative MP Rick Norlock, “Are you fundamentally opposed to taking terrorists off the streets?”

LRWC proposed that Clayton Ruby be called as a witness to explain why he and Nader Hasan recommend, in Bill C-51: A Legal Analysis, that the bill be scrapped. Although Mr. Ruby was on the initial leaked list of 80 witnesses, he was not called. LRWC submitted the Ruby/Nader analysis for publication to the Canadian Centre for Policy Alternatives and as submissions to the SECU. The submissions were distributed to Committee members on 26 March 2015. Both English and French versions of the submissions are available on the LRWC website. SECU has finished hearing witnesses and embarked on the next stage of their review. No date is set for the Committee's report to the House.



ANNUAL GENERAL MEETING

The Annual General Meeting for Lawyers' Rights Watch Canada and Lawyers' Rights Watch (Legal Research) Canada will take place on Friday, 24 April 2014, noon – 2:00 pm, at 900 Howe Street Vancouver, BC. Business will include election of directors for the 2015-2016 year and a review of LRWC work and finances during the past year. Members may attend in person or by phone. Please make sure your 2015 membership fee is paid at least two weeks prior to the meeting and then let us know if you plan to attend.

LRWC MEMBERS CONTRIBUTING PRO BONO IN FEBRUARY & MARCH

Thank you to LRWC members and volunteers working *pro-bono* during February and March 2015 on letters, research, writing, investigations and advocacy: Sami Allaheq, Gail Davidson, Joe Hoffer, Gavin Magrath, Carolyn McCool, Catherine Morris, Michael Mulligan, Renee Mulligan, Heather Neun, Avi Sharma and Ben Sutherland.

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