

## LRWC NEWSLETTER

August – September 2016 Edition

### LRWC ACTION NEWS AND UPDATES

#### BAHRAIN

##### Human Rights Lawyer Nabeel Rajab's Trial Postponed Again



**Nabeel Rajab**

On 5 September 2016, the trial of Nabeel Rajab, President of the Bahrain Center for Human Rights, was postponed again to 6 October 2016. This hearing was previously postponed from 12 July to 2 August. Nabeel Rajab has been illegally imprisoned since 13 June 2016, and his health is deteriorating as a result of poor prison conditions. On 25 August, he was transferred to the Interior Ministry's clinic at MOI headquarters for tests to determine the cause of persistent chest pain and shortness of breath. LRWC [issued a joint letter in June](#) in response to Nabeel Rajab's arrest, calling for his release. He has been in isolation during most of this

time. LRWC and 33 other NGOs called again for the immediate and unconditional release of Nabeel Rajab. On 2 September the Bahrain Center for Human Rights (BCHR) has published a [joint urgent appeal letter](#), endorsed by 34 NGOs including LRWC, calling on the King of Bahrain Shaikh Hamad bin Isa Al Khalifa to release human rights defender Nabeel Rajab, ahead of his hearing on 5 September which did not happen. Nabeel has now been charged with new offences based on the publication by the New York Times of a [letter from Nabeel](#) outlining his situation for which he could face up to 15 years in prison for publishing false news and undermining the prestige of Bahrain. He was hospitalized for a gall bladder operation on 3 October. The verdict on the first charges may be delivered on 6 October.

## CAMBODIA

### **Dr. Kem Ley assassinated after commenting on business interests of PM's family**

On 10 July 2016, a Cambodian researcher and commentator, Dr. Kem Ley, was assassinated two days after giving an interview about a recently released report on the business interests of Prime Minister Hun Sen's family. The assassination of Kem Ley has led to mass public outcry and widespread allegations of suspected government involvement in the murder. On 13 July 2016, five UN independent human rights experts called for a thorough, impartial investigation independent from the government. The assassination is suspected to be part of Cambodia's longstanding pattern of impunity for assassinations of human rights defenders, labour leaders, environmental activists,



**Dr. Kem Ley**

monks, journalists, political activists and other government critics. In August LRWC published [Cambodia: International Law Duties to Investigate Serious Human Rights Violations](#), a paper summarizing the international legal framework supporting recommendations that Cambodia establish a commission of inquiry to investigate the assassination of Dr. Kem Ley. The paper recommends that a similar commission of inquiry be established to investigate all other unsolved murders where there have been allegations or evidence of involvement by military, police or government officials. Given widespread public and international mistrust in Cambodia's legal system, there are sufficient grounds to support a request by the Government of Cambodia that an appropriate body of the UN establish international commission(s) of inquiry with independent experts.

## COLOMBIA

### **Canadians witness threats facing lawyers and other human rights defenders in Colombia**

After many decades of war, the Colombian government and the main guerrilla group known as the FARC reached a final and comprehensive peace agreement on August 24, 2016. This historic event coincided with the participation of five Canadian delegates in the Fifth International Caravana of Lawyers to Colombia from August 20 to 28. The peace agreement was formally signed by the parties in Cartagena on September 26. A national referendum scheduled for October 2 will determine whether implementation of the agreement proceeds.



**The Canadian Caravana Delegates**

The Canadian Caravana delegates included a judge and four lawyers: Justice Brent Knazan of the Ontario High Court (Toronto); Jenny Reid (Stratford); Debbie Markovitz, (Montreal); Melissa Tessler (Toronto); and Heather Neun (Vancouver). After

assembling in Bogotá with the entire delegation of 57 lawyers from various countries on August 20, the delegates divided into regional groups and each Canadian delegate travelled to one of five different cities: Cali, Baranquilla, Medellín, Bucaramanga and Cúcuta. There were two additional delegations to the cities of Cartagena and Tumaco. Each regional delegation was hosted by lawyers' groups specializing in human rights, and they met with other human rights defenders (HRDs), victims of human rights violations, civil society organizations, local press, and public officials. The regional groups reconvened in Bogotá on August 24 for several days of debriefing and meetings with officials, including the U.N. High Commission on Human Rights in Colombia, members of the judiciary, national human rights and civil society groups, the Colombian national protection office and the presidential advisor on human rights. Delegates also met with their respective embassies; the Canadians met with Douglas Chaborn and Candice Dandurand at the Canadian Embassy. Following the delegation's conclusion, Heather Neun travelled solo to meet with a women's lawyers' group known as the Luis Carlos Pérez Lawyers Collective (CCALCP) at their office in Bucaramanga. The CCALCP has a long history of persecution, logging 40 security incidents since its founding in 2001. All of the complaints filed as a result remain in impunity.

While hopes for an enduring peace with justice run deep in Colombia, the delegates were struck by an overriding sense of pessimism or skepticism about prospects for challenging impunity and achieving an authentic peace. Concerns about structural challenges to the effective implementation of the peace agreement are widespread, and relate to the capacity and will of the Colombian State to fulfill agreements such as the dismantling of the paramilitary structures and the guarantee of political participation. The significance of threats to political participation was brought home to the delegates to Cúcuta as they learned on arrival about an assassination plot against human rights lawyer and former CCALCP member, Judith Maldonado. [Read more here.](#)

## KENYA

### **Court rules lawyer and client killed by police and authorizes Law Society suit**



**Willie Kimani**

The High Court of Kenya, in a lawsuit brought by the Law Society of Kenya, has ruled that lawyer Willie Kimani, his client Josephat Mwenda and their driver Joseph Muiruri were illegally abducted and executed by police. Judge Luka Kimaru stated it was obvious that the police threatened and shot Mwenda as part of efforts to force his client to withdraw his complaint against police and observed that officials lacked enthusiasm when first investigating the incident. The High Court also allowed the Law Society to seek compensation on behalf of the victims' families. LRWC [wrote a letter to the LSK](#) on 17 August 2016, commending them on the speed and effectiveness of their request for compensation. The communication follows the July letter

from LRWC to the Kenyan government and police force authorities condemning the murders and calling for a thorough and impartial investigation.

## IRAN

### Prominent lawyer and HRD remain arbitrarily imprisoned after five and 10 years respectively

On 16 August, LRWC once again sent [a letter](#) condemning the wrongful sentencing, arbitrary detention and denial of medical treatment for human rights defender Ms. Bahareh Hedayat and lawyer Mr. Abdolfattah Soltani. Ms. Hedayat has been imprisoned since June 2006, and Mr. Soltani since 2011, both solely for their peaceful human rights advocacy. The Working Group on Arbitrary Detention determined on 26 May 2016 that there was no legal justification for imprisoning Ms. Hedayat and Mr. Soltani, that their detention is therefore arbitrary and recommended immediate release. In continuing to imprison the two human rights defenders, and failing to provide adequate medical treatment, Iran is in violation of its international legal obligations under both the ICCPR and the UDHR. LRWC's letter renewed calls for the Government of the Islamic Republic of Iran to immediately and unconditionally release Ms. Hedayat and Mr. Soltani, and to comply with its international human rights obligations.



**Bahareh Hedayat**

## THAILAND

### Human rights defender and researcher Andy Hall convicted



**Andy Hall**

Thailand continues to impose criminal sanctions on lawyers and human rights defenders who expose serious human rights violations. Two recent developments highlight this disturbing trend. For over two years LRWC has been closely monitoring the judicial harassment of migrant rights defender Andy Hall, for his research on violations of labour rights in Thailand's fruit export industry, and [has been calling](#) for the unjust and abusive charges against Mr. Hall to be withdrawn. In July, LRWC and the International Commission of Jurists submitted an [amicus brief](#) for consideration during Mr. Hall's criminal defamation proceedings. The court's decision on September 20, 2016 was a setback for human rights defenders. Mr. Hall was found guilty of criminal defamation and Computer Crimes Act charges, and sentenced to three years imprisonment, suspended for two years, and a fine of 150,000 Thai Baht. Andy Hall has indicated his intention to appeal the verdict.

### Back from Geneva. Lawyer June Charoensiri faces more charges

LRWC has also been [monitoring](#) the continued intimidation and harassment of human rights lawyer Sirikan ("June") Charoensiri, who is facing prosecution for offences related to her work defending human rights activists being prosecuted in the military court for attending a peaceful pro-democracy protest in June 2015. Upon Ms. Sirikan's return to Thailand on September 26, 2016 after speaking at the 33rd Session of



**Sirikan ("June") Charoensiri**



the UN Human Rights Council in Geneva, she received a summons accusing her of further charges of sedition and violating the unelected military government's political gathering ban by observing the June 2015 gathering. The actions against Ms. Sirikan demonstrate disrespect for the independence of lawyers. LRWC believes these recent reprisals by Thai military government officials are meant to intimidate Ms. Sirikan and other human rights defenders and to dissuade people from participating in session of the UN Human Rights Council.

## **TURKEY**

### **A Small Historical Moment – Amicus Briefs presented to Constitutional Court**

On 27 September 2016, [two amicus briefs on international human rights law were filed in the Constitutional Court of Turkey](#) in Ankara: one amicus by LRWC and the Law Society of England and Wales (endorsed by Lawyers for Lawyers and supported by the Tahir Elçi Foundation) and another by a group of French lawyers (signed by 2015 Nobel Peace Prize Laureate Mohamed Fadhel Mahfoudh). The Deputy President of the Court stated that 'it was a kind of small historical moment' in the Court's history as the Court had never before received amicus curiae briefs from international organisations/lawyers. The amicus briefs will be considered in the trial of lawyers Ayşe Acinikli and Ramazan Demir. The brief by LRWC and the Law Society of England and Wales sets out international standards and clarifies the nature and scope of Turkey's international legal obligations—arising from UN membership and ratification of the International Covenant on Civil and Political Rights and the European Convention on Human Rights—to ensure the rights at issue in the criminal proceedings against the lawyers, namely rights to: freedom of expression and assembly, participate in public affairs, liberty and security of the person, pre-trial release, as well as fair trial rights. The amicus brief by LRWC and the LSEW is available in [English](#) and [Turkish](#). LRWC's previous post on the amicus brief [is available here](#).

### **Lawyers granted pre-trial release after five months in prison**

Ramazan Demir and Ayşe Acinikli were released on 7 September 2016, after five months in pre trial detention. Ramazan Demir previously defended both journalists and lawyers who were prosecuted by the Turkish government in mass terrorist trials and was prosecuted and convicted earlier for statements made in court in defense of his client. Ramazan Demir and Ayşe Acinikli are on trial with Irfan Arason, Huseyin Bogatekin, Sefik Celik, Adem Calisci, Tamer Dogan, Mustafa Ruzgar, Ayse Gosterislioglu, Sinan Zincir and Raziye Oztuk, all members of the Libertarian Lawyers Association (Ozgurlukcu Hukukcular Dernegi – OHD). They were accused of being members of a terrorist organization and propagandizing for it. LRWC had provided international law standards on rights to pre-trial release to defense lawyers.



**Ramazan Demir and Ayşe Acinikli**

## UN HUMAN RIGHTS COUNCIL, 33rd SESSION, 13-30 SEPTEMBER

LRWC member and Director Gavin Magrath attended one week of this session of the HRC and during that time met with representatives of NGOs, attended side events and delivered two oral statements to the HRC. Vani Selvarajah registered LRWC to make presentations. LRWC UN Liaison Director Catherine Morris authored the two statements presented and provided logistical support.

**Cambodia:** [Government crackdown on critics and human rights defenders](#), LRWC statement presented on 28 September by Gavin Magrath during the Interactive Dialogue following presentation of the Report of the Special Rapporteur on human rights in Cambodia. The statement highlighted Cambodia's long record of abusing laws and utilizing corrupt and non-independent courts to harass critics and rights defenders. A video of the presentation can be viewed at the link above starting at 1:00:54.

**Global:** [Failure of states to implement technical and capacity building assistance from HRC bodies](#), LRWC statement presented on 29 September by Gavin Magrath during General Debate. The statement gave examples where Honduras, Cambodia, India and Thailand had failed to accept and implement assistance and recommendations from Special Procedures and the Office of the High Commissioner of Human Rights designed to promote better human rights. A video of the presentation can be viewed at the link above starting at 2:40:46.

## WORKING PRO BONO FOR LRWC DURING AUGUST-SEPTEMBER

Clive Ansley, Elias Aredda, Samantha Black, Hanna Bokhai, Gail Davidson, Maya Duvage, Parmida Elahi-Khansari, Daniel Fredericks, Gillian Hutton, Justice Brent Knazan, Karol Kudyba, Peggy Li, Gavin Magrath, Debbie Markovitz, Caroline McCool, Catherine Morris, Renee Mulligan, Heather Neun, Tina Parbhakar, Robert Peake, Jenny Reid, Vani Selvarajah, Avi Sharma, Cody Soloff, Peggy Stanier, Melissa Tessler, Maureen Webb, Grace Woo.

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Contact us at:  
lrwc@portal.ca  
Telephone: +1 604 736  
1175  
Fax: +1 604 736 1170

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