

# Lawyers' Rights Watch Canada

## LRWC NEWSLETTER

October – November 2016 Edition

### LRWC ACTION NEWS

#### BAHRAIN

##### President of Bahrain Centre for Human Rights in prison

Sentencing of Nabeel Rajab for peacefully expressing his opinion in the course of his work as the President of the Bahrain Center for Human Rights has again been adjourned, this time to 15 December. The charges against him violate principles of legality governing criminal law and enable Bahrain to use the criminal law, courts and prisons to arbitrarily punish and restrain critics. If convicted (spreading false rumours, offending a foreign state, offending a statutory body) he could be 'sentenced' to fifteen years in prison. Since his arrest in June 2016, Nabeel Rajab has faced unsanitary conditions and ill-treatment in prison and his health is deteriorating. His case has attracted international attention, including members of the EU parliament and UN Secretary-General Ban Ki-Moon. A champion of human rights in Bahrain, Rajab has been imprisoned many times for peacefully engaging in public debate. LRWC advocacy for Nabeel Rajab can be viewed [here](#).



**Nabeel Rajab**

##### President of Women's Rights Petition Committee jailed



**Ghada Jamsheer**

LRWC joined 19 other NGOs to [call](#) for the immediate release of Ghada Jamsheer prominent women's rights activist and President of Women's Petition Committee, a network of women human rights defenders. Ms Jamsheer, jailed 19 August when returning to Bahrain from medical treatment in the U.K., was sentenced to one year in prison in June 2015 for exposing corruption. Unsanitary conditions in prison prevent treatment to control her arthritis. Ghada Jamsheer was sentenced for peacefully engaging in public education and human rights advocacy. She has not been accused of any act(s) that could be legitimately characterized as criminal.

## CANADA

### Leave to appeal to the Supreme Court of Canada on TWU issue



On 1 November 2016 the BC Court of Appeal in [\*Law Society of BC v. Trinity Western University\*](#) rejected the Law Society's appeal, stating, "[t]he Law Society's decision not to approve TWU's faculty of law denies these evangelical Christians the ability to exercise fundamental religious and associative rights which would otherwise be assured to them under s. 2

of the *Charter*." The Law Society of BC will seek leave to appeal to the Supreme Court of Canada. Trinity Western University will seek leave to appeal the 29 June decision of the Ontario Court of Appeal in [\*Trinity Western University v Law Society of Upper Canada\*](#).

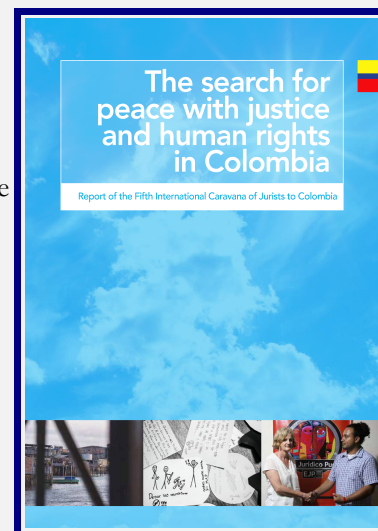
### Anti-Terrorism Act (Bill C-51) should be repealed, says constitutional expert

In a 3 October [article](#) prominent security expert Paul Cavalluzza says Bill C-51 "is so flawed that it should be repealed" because the act: a/ lacks adequate oversight; b/ allows largely unrestricted sharing of personal information by 21 federal agencies; c/ criminalizes speech; and, d/ allows CSIS to apply to Federal Court for permission to violate Charter rights. LRWC [opposed](#) Bill C-51 as did other NGOs including, the BC Civil Liberties Assoc., Canadian Civil Liberties Assoc., International Civil Liberties Monitoring Group, Canadian Journalists for Free Expression and Amnesty. Despite a consultation process dubbed as 'public', experts such as Mr. Cavalluzzo have not been consulted, nor have opponents such as LRWC. In February 2015, LRWC published a [critique of Bill C-51](#) by Clayton Ruby and Nader Hasan and asked that Mr. Ruby be called as a witness before the House of Commons Standing Committee on Public Safety and National Security to explain why the bill should be scrapped. See [Feb/Mar/15 Newsletter](#).

## COLOMBIA

### Colombia Caravana Report published

The UK Caravana Group has published, *The search for peace with justice and human rights in Colombia // Report of the Fifth International Caravana of Jurists to Colombia*. The report affirms that "[t]o truly deliver peace, there must be recognition of the role of justice and human rights, of the lawyers that provide access to justice, and of the prosecutors and judges who administer it." Recommendations highlight the necessity to strengthen: protection for jurists and human rights defenders, guarantees of non-recurrence, fair land restitution, socio-economic rights and prison reform. Five LRWC members were delegate to the Caravana. Their work can be reviewed [in the report](#).



## GUATEMALA

### Attorney General says murder of human rights worker is under investigation



**Jeremy Barrios**

The murder of Jeremy Barrios on 12 November 2016 has shocked human rights activists. As assistant to the Executive Director of CALAS—an NGO advocating for victims of human rights abuses by mining companies in Guatemala—22-year old Jeremy Barrios managed sensitive information in cases brought before courts by CALAS. His assassination in Guatemala City is seen by some as a threat to CALAS founder and director Yuri Melini, and other CALAS workers. The killing comes as CALAS is involved in a lawsuit in the BC Court of Appeal against Canadian mining giant Tahoe Resources for alleged human rights violations at its Escobal silver mine in Guatemala. LRWC wrote on 22 November asking Guatemala to conduct an impartial and competent investigation of the murder in full compliance with the requirements of

international law and to provide effective protection to CALAS staff. The Attorney General's reply advised that the Activist Unit of the Office of the Prosecutor for Crimes against Human Rights was in charge of the case and referred further inquiries to one of the prosecutors in charge.

## INDIA

### Court orders authorities to release Khurram Parvez from illegal detention

LRWC, Human Rights Watch and the International Commission of Jurists on 3 October called for the immediate and unconditional release from arbitrary detention of Khurram Parvez. Mr. Parvez, an internationally known human rights advocate, was prevented from travelling to Geneva to attend the 33<sup>rd</sup> Session of the Human Rights Council on 14 September, arrested on 16 September, and remains in custody. When a court directed his release on 20 September, authorities rearrested and detained him under the Public Safety Act. On 25 October the High Court granted India an additional three weeks to respond to the Petition for release filed on 13 October by Mr. Parvez's family. The Jammu and Kashmir High Court quashed the detention order on 25 November and ordered release ruling, "the detention of [Parvez] is not only illegal but the detaining authority has abused its powers in ordering his detention." As of 29 November police have refused to release him, claiming a typing error on the Court order.



**Khurram Parvez**

## MALAYSIA

### Human rights specialists oppose amendments to Legal Professions Act (LPA)

Proposed amendments to the LPA are opposed by LRWC, FIDH, Human Rights Watch and Fortify Rights as threatening the independence of the Malaysian Bar, freedoms of expression and association and the duty of lawyers to speak freely about issues of public concern. Drafted without consultation with the Malaysian Bar, the bill if passed would impose wholesale changes on the way the Bar elects its governing council and would constitute a violation of the right of lawyers to form a "self-governing association" and for such an association to "exercise its functions without external interference," as specified by the UN Basic Principles on the Role of Lawyers.

## PAKISTAN

### Murder of human rights lawyer remain unresolved



**Rashid Rehman Khan**

On 25 October 2016, LRWC sent a letter to the Pakistani government, enquiring about the investigation into the murder of Rashid Rehman Khan, who was murdered in his office by gunmen on 7 May 2014. The assassination was apparently in reprisal for Khan's work as a lawyer. For over 30 years Mr. Khan had advocated for religious freedom, and against blasphemy laws and repression of religious minorities. Prior to his murder, he told authorities that three named people had threatened him with death during court proceedings involving a client (Juanaid Hafeez) charged with blasphemy. After the murder a note was left saying "we warn all lawyers to be afraid of god and think twice before engaging in such acts."

LRWC calls upon the government of Pakistan to complete a thorough and independent investigation into the murder as well as why Mr. Khan did not receive protection following the threats on his life. The letter also recommends the creation of a "First Response Service" for lawyers and other human rights defenders, to provide assistance if they feel their life is endangered. LRWC received thanks from individuals hoping to see some justice in this case.

## SAUDI ARABIA

### Waleed Abu al-Khair to receive Human Rights Award from Law Society of Upper Canada

Arbitrarily imprisoned human rights lawyer Waleed Abu al-Khair has been chosen as one of the recipients of the 2017 Law Society of Upper Canada Human Rights Award, in recognition of "extraordinary contributions to the advancement of human rights and promotion of democracy and the rule of law in Saudi Arabia over the course of his career as an advocate, made at high personal cost, [which] demonstrate the highest ideals of the legal profession." Dr. Cindy Blackstock has been chosen as co-recipient of the award. Imprisoned since April 2014, Waleed is serving a 15 year sentence for representing clients and causes unpopular with Saudi Arabia and peacefully advocating for recognition of internationally protected rights. The UN Working Group on Arbitrary Detention determined that his detention was arbitrary and recommended his release in October 2015. The nomination was submitted by LRWC and the Union Internationale des Avocats and endorsed by the Law Society of England and Wales and supported by letters from Alex Neve of Amnesty International/Canada and Adam Coogole of Human Rights Watch, Middle East and North Africa Division. The award ceremony will be in Toronto on 22 February 2017.



**Waleed Abu al-Khair**

## SINGAPORE

### Lawyer prohibited from practice for two years

Disciplinary proceedings against prominent death penalty abolitionist and human rights lawyer M. Ravi resulted in a 27 October 2016 order by the Court of Three Judges prohibiting him from practising law for two more years. As one of the very few lawyers in Singapore willing and able to act in politically sensitive



**M. Ravi**



cases, M. Ravi is often himself unpopular with the ruling Peoples Action Party. The behaviour complained of—rudeness to Law Society staff—was admitted by M. Ravi and accepted by the Law Society as caused by a bipolar condition. Earlier LRWC had urged the Law Society and the Disciplinary Panel (DT) to re-issue his practice certificate in consideration of the critical need for his services, his unblemished record of service to clients, and the necessity to accommodate his illness. The DT, after a 2-day hearing, imposed a fine and concluded that the behaviour was not serious enough to warrant a referral to the Court. LRWC continues to monitor the situation. LRWC letters on this case can be viewed [here](#).

## SUDAN

### LRWC Renews calls for release of human rights defenders



**TRACKS Director Khalafalla  
Al-Afif Mukhtar**

On 22 and 29 September 2016, charges against five Sudanese human rights defenders from the Centre for Training and Human Development in Sudan (TRACKS) were heard before the Khartoum Central Criminal Court. The charges include espionage, terrorism and waging war against the state, all of which carry the death penalty. Reports indicate that the prosecutor attempted to undermine the morals of the defendants by showing personal pictures from their laptops, and claimed TRACKS is operating illegally without a license.

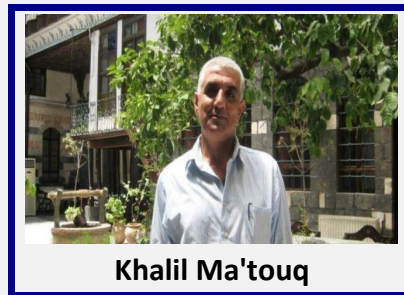
These proceedings are part of a larger pattern of increased judicial

harassment in Sudan against civil society organizations and human rights defenders. LRWC's renewed call for the release of TRACKS workers can be viewed [here](#).

## SYRIA

### Lawyer Khalil Ma'touq and assistant missing for four years

On October 4th 2016, LRWC signed [a letter](#) along with 31 other human rights organizations calling for the release of detained human rights lawyer Khalil Ma'touq and his assistant Mohamed Thata. It has been four years since the two men are believed to have been arrested at a government checkpoint in Damascus. Since then, the Syrian government has denied any involvement in the disappearances, but other released prisoners have claimed to have seen Ma'touq in various government-operated detention facilities. It is likely the two men were arrested in connection with Ma'touq's work defending political prisoners, and his position as the director of the Syrian Centre for legal studies and research.



**Khalil Ma'touq**

## THAILAND

### Lawyer charged for providing legal representation to protesters

LRWC and nine other human rights organizations published a [Press Release](#) on 3 October calling for withdrawal of all charges and accusations against human rights lawyer Ms. Sirikan ("June") Charoensiri, who works for Thai Lawyers for Human Rights (TLHR). In February 2016, Ms. Sirikan was charged under the Thai Criminal Code with "giving false information regarding a criminal offence" and "refusing to comply with the order of an official" in relation to her lawful representation of 14 student activists

from the New Democracy Movement arrested in connection with a protest in June 2015. On 22 October 2016, she was formally charged with two additional charges arising out of the June student protests—being an accomplice to sedition by the students, and holding an illegal political gathering—with all charges to be determined by a military court. She faces imprisonment of up to 15 years if convicted. In a [statement](#) dated 28 October 2016, LRWC called on Thailand to withdraw all charges and comply with its international human rights obligations arising from the *International Covenant on Civil and Political Rights*, the UN *Basic Principles on the Role of Lawyers*, the UN *Declaration on Human Rights Defenders* and other instruments.

#### **Authorities suspend investigation of 2004 disappearance of lawyer**



**Somchai Neelapaijit**

On 12 October, the Department of Special Investigation (DSI) suspended its investigation of the 12 March 2004 enforced disappearance of Somchai Neelapaijit, a Muslim human rights lawyer. In December 2015, the Supreme Court of Thailand upheld the 2001 decision of the Appeals Court to overturn the convictions of four police officers for forcibly abducting Mr. Somchai, claiming there was insufficient evidence for the convictions. LRWC has written several letters pertaining to this case, the [first](#) of which was sent 9 January 2006 to the then Prime Minister of Thailand. Following that, LRWC [wrote](#) again on 11 April 2007 expressing concern for Mr. Somchai's wife, who received threats in connection to her husband's case.

The most recent [letter](#), on the twelve-year anniversary of Mr. Somchai's disappearance, calls on Thailand to end impunity for enforced disappearances.

#### **Proposed amendments to Computer-related Crimes Act, restrict rights say NGOs**

On 25 October 2016 LRWC joined with Amnesty International, the International Commission of Jurists FIDH/Thailand and Fortify Rights to send a [letter](#) asking Thailand's Legislative Assembly (NLA) to reject proposed amendments to Thailand's Computer-Related Crime Act (CCA) that restrict the enjoyment of fundamental human rights. The proposed amendments would continue the criminalization of free expression, fail to uphold privacy rights and facilitate official censorship of online content. The organizations recommend that the NLA adopt amendments that would bring the CCA into line with international law obligations to uphold rights to expression, opinion, and privacy.

#### **Andy Hall leaves Thailand amid continuation of judicial harassment**

On 2 November, the Supreme Court dismissed one of the criminal defamation charges brought by the National Fruit Co. Ltd. (National Fruit) against Andy Hall confirming dismissals by two courts below. Following publication by Finnwatch of an exposé of serious labour abuses of migrant workers in Thailand's fruit export industry (*Cheap has a High Price*) in 2013, National Fruit, one of the companies identified in the report, brought two criminal defamation



**Andy Hall**

prosecutions and two civil damage suits against Mr. Hall, one of the researchers and a U.K. citizen present in Thailand. The other prosecution resulted in Mr. Hall being convicted and sentenced to three years in jail (suspended) and a fine of 150,000 baht on 20 September. Mr. Hall has announced he intends to appeal the conviction. The two damage suits for 400 million baht are still pending. The National Fruit suits are believed to have had a chilling effect on complaints by workers and activists afraid of facing legal

proceedings. LRWC, both alone and in cooperation with other NGOs has engaged in advocacy for the withdrawal of the law suits and fair trial in accordance with international law requirements since the legal proceedings were initiated. Mr. Hall's statement explaining his decision to leave Thailand can be viewed [here](#).

### **Court dismissed criminal defamation charges by mining company against land activists**

On 16 November a Thai court dismissed criminal defamation charges brought by mining company Tungkom Limited against the Thai Public Broadcasting Services (Thai PBS). The court ruled that Thai PBS had carried out their duty in good faith, covering the issues of natural resources and environment which affected the quality of lives of the people, therefore, a matter of public interest.



On 14 November a [joint letter](#) initiated by Fortify Rights and endorsed by several NGOs including LRWC and FIDH, was released calling on Tungkom to immediately and unconditionally withdraw all criminal complaints against the Thai PBS and four media people currently or formerly employed by Thai PBS. The company brought criminal defamation charges (under the Criminal Code and the Computer-related Crime Act) against the parties and filed a 50 million Thai damage suit. The complaint and civil action were in retaliation for reporting allegations of adverse environmental impacts connected to the company's open-pit gold mine in Loei Province in north-eastern Thailand.

## **TURKEY**

### **Trial of 46 lawyers in 5<sup>th</sup> year before new court, explains trial report**

The mass trial of lawyers (46 lawyers, 3 law office employees and one journalist) which began with arrests in November and December 2011 has been plagued by controversy over legal issues, criticisms, jurisdiction wrangles and political upheaval. The 14 November hearing took place before the Central Criminal Court with three new judges and a new prosecutor bringing the number of judges on the case to date to approximately 15. LRWC advocacy on behalf of the lawyers includes: complaints, reports and oral statements to UN bodies, letters, statements and press releases. Charges against the lawyers, characterized as 'terrorists', all arise from legal representation of Abdullah Ocalan, the leader of the PKK. [The recent report of Tony Fisher](#), Chair of the Human Rights Committee of the Law Society of England and Wales provides an update of the trial and identifies additional problems experienced in the aftermath of the July attempted coup. LRWC advocacy can be viewed on the Turkey pages that begin [here](#).

## **UNITED STATES**

### **Attorney General rejects charges against Amy Goodman of Democracy Now**

A North Dakota [judge refused to authorize](#) charges against award-winning reporter Amy Goodman on 17 October 2016. She was accused on riot charges after reporting an attack against Native American-led pipeline protesters, where security guards were filmed using pepper spray and dogs to attack protestors. LRWC wrote a [letter](#) on 17 September 2016, protesting the arrest warrant against Goodman and asking the States Attorney General to open an



investigation into the incident.

## VIET NAM

### Complaint to UN Working Group on Arbitrary Detention (WGAD) for Nguyễn Văn Đài

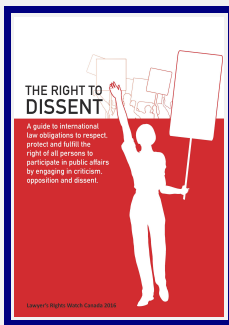


Nguyễn Văn Đài

[A Complaint to the WGAD](#) on behalf of prominent human rights lawyer Nguyễn Văn Đài was submitted on 25 November by LRWC, the Media Legal Defence Initiative, Lawyers for Lawyers, PEN International and Viet Tan. Nguyễn Văn Đài is a prominent human rights lawyer, an active blogger, human rights educator and a leading advocate for multiparty democracy. He has established a number of organisations that provide training to community members on their legal right and has met with international delegations to discuss the state of human rights protection in Viet Nam. He has been detained incommunicado since being arrested on 16 December 2015 while enroute to meet with an EU delegation. Viet Nam states that suspicion of conducting propaganda against Viet Nam is the reason for detention. The petitioning NGOs seek a determination that the arrest and detention are arbitrary under Categories II and III. The arrest and detention violates the full range of rights to expression, association, participation in public affairs, practice law and all fair trial rights including rights to counsel and pre-trial release.

## LRWC PUBLICATION – RIGHT TO DISSENT

LRWC is proud to announce publication of [\*The Right to Dissent: International law obligations to respect, protect and fulfill the right to participate in public affairs by engaging in criticism, opposition and dissent\*](#) by Lois Leslie.



The Right to Dissent explains the international legal standards, underlying principles and jurisprudence that comprise the international legal framework protecting the right to dissent and protest as an essential part of democratic rights. Dissent involves the exercise of individual and societal freedoms of expression, association, assembly and the right to participate in public affairs. These rights are routinely misunderstood and increasingly violated with dissenters facing dire consequences including arrest, imprisonment, displacement and death. In 2015 185 land and environmental activists murdered in 17 countries. LRWC's one-of-a-kind guide provides activists, human rights workers, jurists, corporate actors and government authorities with tools necessary to ensure rights, protect the lives and liberty of activists, enable meaningful participation in public life and promote the rule of law. LRWC is seeking donations for world-wide distribution and promotion the Right to Dissent.

## INTERNATIONAL CRIMINAL COURT (ICC) MEETING

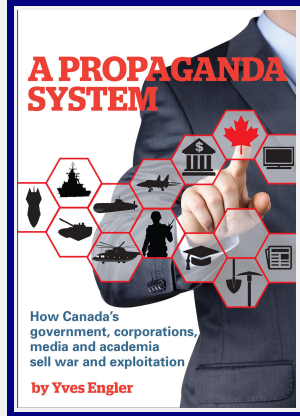
Lisa Barrett attended the 15<sup>th</sup> Session of the Assembly of States Parties (ASP) to the ICC on November 16-24 in The Hague. Prior to the meeting South Africa, Burundi and Gambia gave notice of withdrawal from the Rome Statute and the ICC because of the preponderance of prosecutions of Africans and the failure to investigate war crimes by Western states. Gambia referred to the ICC as the “International Caucasian Court.” Kenya is considering withdrawal. 34 of the 124 ICC member states are African. As a member of the Coalition for the International Criminal Court, LRWC is entitled to attend ASP meetings. A report on the



meeting will be available next month.

## EDUCATION

### Talk by Author Yves Engler



Yves Engler talked about his new book, *A Propaganda System: How Canada's Government, Corporations, Media and Academia Sell War and Exploitation*. The book details public funds spent to present a one-sided version of Canada's foreign policy and the history of information control, including formal censorship, as well as media bias on topics ranging from military interventions to trade agreements and the mining industry. LRWC and the Simon Fraser Institute of Humanities co-sponsored the event which took place at SFU Harbour Centre on 14 November from 6:00 to 8:00 pm. A video of the event will be available soon.

## WORKING PRO BONO FOR LRWC DURING OCTOBER-NOVEMBER

Clive Ansley, Hanna Bokhari, Gail Davidson, Maya Duvage, Daniel Fredericks, Andrew Guaglio, Joe Hoffer, Gillian Hutton, Lois Leslie, Ben Levine, Peggy Li, Catherine Morris, Renee Mulligan, Heather Neun, Avi Sharma, Llyanna Saldonido, Brian Samuels, Melissa Tessler, and Debbie Mankovitz.

A special thanks for working pro bono throughout the year to make LRWC's work possible, are due to LRWC Directors David F. Sutherland, (Chair), Julius H. Grey (Vice-Chair), Andrew Guaglio (Secretary), Marjorie Cohn, Gail Davidson, Heather Neun, Leo McGrady Q.C., Grace Woo and LR Directors Gavin Magrath (Chair), Clive Ansley (Vice-Chair), Vani Selvarajah (Secretary), Margaret Stanier (Treasurer), Brian Samuels, Maureen Webb, Siobhan Airey and to LRWC Research and UN Liaison Director Catherine Morris.

Fees and donations can be made by cheque, PayPal, or [Canada Helps](#).

Monthly donations increase LRWC's ability to respond quickly and plan ahead.

Visit our [Website](#) - <http://www.lrwc.org/>

[Follow on Twitter](#) | [Like on Facebook](#) | [Read on Instagram](#)

**We welcome feedback on Newsletter content, format, and delivery.**

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

*Copyright © 2016 Lawyers Rights Watch Canada, All rights reserved.*