

LRWC NEWSLETTER

February –March 2017 Edition

LRWC ACTION NEWS AND UPDATES

BURMA

Prominent Burmese lawyer U Ko Ni murdered



U Ko Ni

On 29 January 2017 prominent Burmese lawyer U Ko Ni was murdered at the Yangon Airport as he was returning from a meeting in Indonesia about sectarian tensions in Rakine State. A legal adviser to the National League for Democracy, former political prisoner, author and founding member of the Independent Lawyers Association of Myanmar and the Myanmar Muslim Lawyers Association, U Ko Ni had received threats for speaking out against the continuing influence of the military on politics.

LRWC sent a [letter on 3 February](#) calling on Burma to ensure effective investigations to both identify perpetrators and determine whether racism against Muslims was a factor. Four suspects have been charged with the murder and associated offences and have been brought before the court. See Human Rights Council resolution reference below.

CAMBODIA

LRWC and the International Commission of Jurists (ICJ) file joint amicus brief

LRWC and the ICJ prepared an [amicus brief](#) for consideration by the Supreme Court of Cambodia in the appeal by Mr. Ny Chakrya from conviction for three Criminal Code offences: defamation, malicious denunciation and publication of commentaries intended to unlawfully coerce judicial authorities. The charges were based on criticism by Ny Chakrya, then head of the human rights section of the Cambodian Human Rights and Development Association, of the conviction for trespass of two villagers involved in a land dispute with a corporation. In reliance on a ruling that the company did not own the disputed land, the villagers had re-entered the land previously occupied by them and were subsequently convicted. The amicus brief examines the applicable domestic and international law and concludes that the Criminal Code provisions do not comply with international standards due to being overly broad, being non-compliant with the requirement of certainty, and/or being applied for the illegitimate purpose of using criminal sanctions to punish the lawful exercise of the



Ny Chakrya

internationally protected right to freedom of expression. On 13 March the Supreme Court upheld the 28 November 2016 decision of the Court of Appeal to extend the pre-trial detention of Ny Chakrya and three other ADHOC staff members for a further six months and severed their appeals. Ny Chakrya's appeal is set for 24 March.

CAMEROON

Jurists and educators jailed in Government crackdown on Anglophone rights advocates



Mancho Bibixy

In response to protests against discrimination and marginalization of the English-speaking population and violations of the 1961 unification agreement, the Government of Cameroon has employed measures that violate international law obligations. A crackdown using measures that violate Cameroon's international law obligations began in January after four protesters were killed, allegedly by actions of police and security. As part of the crackdown, several leading Anglophone jurists and educators have been arbitrarily arrested and detained, illegitimately

charged and are being tried before a military court. Some of the charges carry the death of military court proceedings and a proper investigation of the deaths of protesters. LRWC's letter summarizes applicable law arising from UN and African Union instruments and jurisprudence and the Constitution of Cameroon.

CANADA

NGOs call for improvements proposal to reinstate Court Challenge Program

Seventy Canada-based organizations including LRWC endorsed a [letter](#) welcoming restoration of Canada's Court Challenges Program (CCP) and objecting to expansion of the focus to include claims under sections 2, 3, 4, and 27 of the *Charter*. The organizations requested changes to preserve the CCP's historic mandate of protecting and advancing substantive equality rights and enabling access to justice for marginalized individuals and groups and official-language minority communities.

Law Union of BC: first meeting in Vancouver

Over 50 lawyers, law students, and advocates met in Vancouver on 29 March 2017 to form the Law Union of BC. The Law Union of BC takes its inspiration from the National Lawyers Guild in the United States and the Law Union of Ontario in seeking "to counter the traditional protections afforded by the legal system to social, political and economic privilege" and "develop collective approaches to bring about social justice." The 29 March event served as a forum for activist-minded persons in the legal profession to build community, develop goals, and work towards a plan of action for the coming months. The Law Union invites those interested in contributing to or learning more about this newly formed community of activist lawyers to get in touch at lawunionbc@gmail.com.

CHINA

Cease and remedy abuse of human rights defenders and activists, say NGOs

Members of the Human Rights Council were called on by 19 NGOs in a [joint letter](#) released 17 February to pressure China to cease and remedy widespread and systemic human rights violations against human



rights defenders, environmental and democracy activists and lawyers in China. The human rights violations cited include: enforced disappearances, arbitrary detention, the use of criminal procedures to imprison people for peaceful criticism, advocacy or information distribution, torture and denial of rights to fair trial and due process.

States call on China to end use of “residential surveillance at a designated place”

Eleven countries have jointly called on China to end use of “residential surveillance at a designated place”, and to investigate reports of torture used against detained lawyers and other human rights defenders. The concerns were expressed in a 27 February 2017 letter to Xi Jinping signed by the ambassadors and chargés d'affaires of Australia, Canada, Japan, Switzerland, Belgium, the Czech Republic, Estonia, France, Germany, Sweden and the United Kingdom. The letter stated that residential surveillance amounts to “incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment”. “Residential surveillance at a designated place” is allowed by Article 73 of the Criminal Procedure Law for people arbitrarily designated as suspected of crimes that endanger state security or involve terrorist activities. This type of detention is routinely used for people (lawyers and others) promoting or representing causes or people unpopular with the state. LRWC raised this concern in a 2015 report to the UN.

COLOMBIA

Violence against lawyers worsens with another murder and attempted murder



Jorge Belalcázar Gutiérrez

On 24 January lawyer Jhon Fredy Concha Valbuena was shot to death in his garden by two men on a motorcycle. On 1 February lawyer Jorge Enrique Belalcázar Gutiérrez was shot and injured while stopped at a traffic light in Cali. In response to these two tragedies and mounting violence against lawyers in Colombia, LRWC joined the Colombia Caravana and others to publish an [Urgent Alert](#) calling on the Government of Colombia to provide effective protection for lawyers at risk and to implement measures to increase safety and decrease the extreme dangers faced by lawyers in Colombia. Measures recommended include the immediate implementation of point 3.4 of the Peace Agreement, which includes the creation of the National Commission on Security

Assurances and the Special Investigative Unit within the Office of the Prosecutor General of the Nation; Criminal Code amendments to allow greater penalties in cases of the murder of lawyers; and a comprehensive and preventive system of protection measures, to ensure that lawyers have timely access to appropriate protection.

Human rights defenders in grave danger as paramilitary activity increases

Recent reports indicate increased neo-paramilitary presence and threats against human rights defenders and social leaders in the Departments of Antioquia, Chocó, Norte de Santander, and Valle del Cauca. In January, the Peace Community of San José de Apartadó reported that a neo-paramilitary group had threatened to exterminate the Community. In December 2016, a message signed by the Autodefensas Gaitanistas de Colombia was found in the Central Unitaria de Trabajadores headquarters threatening the extermination of members of social movements and trade unions and specific individuals and offering a reward of 1 million COP for the killings of each named individual. The Colombian Caravana UK Lawyers Group, LRWC, the Irish delegation of the Caravana of Jurists and the Fundación del Comité de la Abogacía Española [sent a joint letter](#) 22 March urging effective measures to protect human rights defenders in danger, hold perpetrators of threats, murders and attacks accountable.

KENYA

7 February 2017 Kenya: Court strikes down criminal defamation laws

The High Court of Kenya struck down the criminal defamation section of the Kenyan Penal Code on the grounds that it constituted a disproportionate and unjustifiable limitation of freedom of expression. LRWC joins [Article 19](#) in welcoming the decision. The use of ‘insult’ laws including criminal defamation is currently being used to criminalize and punish freedoms of expression.

PAKISTAN

Human rights lawyer Mohammad Jan Gigyani assassinated enroute to court



Mohammad Jan Gigyani

LRWC is gravely concerned at the murder of lawyer Mohammad Jan Gigyani. The number of lawyers murdered recently in Pakistan by targeted shootings and bomb attacks indicates an urgent need for the Government of Pakistan to provide effective protection for lawyers, judges and courts, and to ensure investigations of attacks that result in the identification and punishment of violators. LRWC's 15 March [letter](#) recommended that Pakistan develop protective measures proposed by the Model Law and while those measures are being developed, put in place emergency protective measures.

Murder of lawyers in Quetta throws city into judicial crisis

The consequences of the attack on a Quetta hospital on 8 August 2017 that killed over 70 people, including 54 lawyers, and injured more than 120 others are still being felt in Quetta. As a result of the loss of a significant portion of the practising lawyers in the region, the remaining bar has been incapable of dealing with the number of cases requiring legal solutions. Lawyers have organized boycotts and court closures in protest of Pakistan's failure to provide solutions. There have also been calls to legalize jirgas (tribal councils) as a partial solution to the legal crisis. LRWC has written letters calling on Pakistan [to investigate and remedy the Quetta bombing and murders of other lawyers in Pakistan](#).



Following the Quetta Bombing

PHILIPPINES



"Nico" Delamente

Indigenous anti-mining activist murdered before making complaint

Twenty-seven year old Veronico "Nico" L. Delamente, indigenous anti-mining activist, Mamanwa tribal leader and member of the Kahugpungan sa Lumadnongmga Organisasyon (KASALO), was murdered on 20 January 2017. He was shot to death by two unidentified men while waiting to meet with representatives of the National Commission on Indigenous Peoples to complain about activities of Claver Mineral Development Corporation on their ancestral land. He was the tenth victim of extrajudicial killings in Mindanao since July 2016. LRWC's letter

of 15 February 2017 calls on the Government of the Philippines to investigate and identify and punish the perpetrators of the murder and to address the many grave human rights violations already being suffered by Lumad and others in Mindanao and prevent further abuses.

Senator de Lima arrested and charged

Leila de Lima, currently an elected Senator and formerly the Attorney General and before that Chair of the Human Rights Commission of the Philippines, was arrested on 23 February following her criticism of the government's "war on drugs", which has resulted in extrajudicial executions and other human rights violations. De Lima faces charges under the *Comprehensive Dangerous Drugs Act*. The charges are suspected as being based, in part, on accusations by inmates of New Bilibid Prison, who had reportedly received benefits – including televisions, cell phones, internet access and air conditioning units – after they provided statements against de Lima. LRWC's 29 March 2017 letter recommends the immediate release of de Lima and an investigation of the arrest and charges.



Senator Leila de Lima

SUDAN

Three human rights defenders convicted and released



Khalafalla Al-Afif Mukhtar

On 5 March 2017 the Khartoum Central Criminal Court convicted TRACK's Director Khalafalla Al-Afif Mukhtar and trainer Midhat A. Hamdan (of dissemination of false information under Article 66 of the Criminal Code and possession of immoral material under Article 14 of the Sudan Information Crimes Law of 2007) and Mustafa Adam Director of Zarqa Organisation for Rural Development (of espionage under Article 53 of the Criminal Code). The three were each sentenced to one year's imprisonment and fines of 50,000 SDG (approx. \$10,490 Cdn). Detained since May 2016, all three were released on 6 May after the fines were paid. LRWC called for the release and withdrawal of charges against the three men in letters dated 23 January 2017, 29 November 2016 and 6 October 2016. Notwithstanding the illegitimacy of the charges (sentences of up to 10 years' imprisonment), convictions and sentences, their release is cause for celebration.

Human rights lawyer and accountant denied access to counsel, detained without charges

Tasneem Ahmed Taha El Zaki (Ms. El Zaki), human rights lawyer, and Nura Obeid Osman (Ms. Osman), accountant, have been detained since 27 December 2016 by the Sudanese Intelligence and Security Service (NISS) without charges or disclosure of the reasons for their detention. Both have been denied access to counsel and allowed two visits with family in over three months. LRWC sent a letter 9 March requesting the immediate release of the women and other relief to remedy obligations under the International Covenant on Civil and Political Rights and the African Charter of Human and Peoples' Rights.



Tasneem Ahmed Taha El Zaki

THAILAND

Criminal defamation charges withdrawn against three human rights defenders



Pornpen Khongkachonkiet

On 7 March 2017 criminal defamation charges were withdrawn against Pornpen Khongkachonkiet, Director of the Cross Cultural Foundation; Somchai Homlaor, lawyer, Commissioner of the Law Reform Commission of Thailand, and President of the Cross Cultural Foundation; and Anchana Heemmina, President of Duay Jai Group. The charges had been laid by Thailand's Internal Security Operations Command (ISOC) to punish contributions to a report of 54 cases of alleged torture by Thai security personnel between 2014 and 2015. LRWC's letter of 13 June 2016 called for the immediate withdrawal of all charges and cessation of reprisals.

AWARDS

AWARD RECIPIENTS

Waleed Abu al-Khair and Dr. Cindy Blackstock were awarded the Law Society of Upper Canada's 2016 Human Rights Award at a ceremony on 22 February 2017 in Toronto, Ontario. Nomination of Waleed was made by LRWC and the International Union of Lawyers with the Law Society of England and Wales' endorsement and letters of support from Amnesty International Canada and Human Rights Watch. The [award](#) recognized the work of Dr. Cindy Blackstock to gain equality and freedom from discrimination for children on reserves in Canada and those of Waleed Abu al-Khair to gain freedom from human rights abuses and denial of democratic rights for all people in Saudi Arabia. Gail Davidson accepted the award on behalf of Waleed and made a presentation to guests.



Dr. Cindy Blackstock and Waleed Abu al-Khair

NOMINATIONS:

- **Waleed Abu al-Khair of Saudi Arabia** - LRWC, the Law Society of England and Wales, Lawyers for Lawyers and the Union Internationale des Avocats joined to nominate imprisoned Saudi Arabian lawyer and human rights defender Waleed Abu al-Khair for the American Bar Association 2017 International Human Rights Award. The nomination was supported by a letter from Human Rights Watch.
- **Sirikan Choensiri of Thailand** - LRWC provided a letter supporting the nomination of Sirikan Choensiri for 2017 Martin Ennals Award for Human Rights Defenders, by Lawyers for Lawyers.
- **Nguyễn Văn Đài of Viet Nam** - LRWC nominated imprisoned lawyer Nguyễn Văn Đài for the 2017 Lawyers for Lawyers Human Rights Award. The nomination was supported by reference letters from the Media Legal Defence Initiative and Viet Ten (Vietnamese Reform Party).

UN HUMAN RIGHTS COUNCIL, 34TH SESSION, 27 Feb – 24 March 2017

Abdul Khan, Mississauga-based lawyer, attended the first week of the 34th Session of the HRC as LRWC's representative. In addition to presenting an oral statement to Council on 3 March, Mr. Khan attended side events and met with NGO delegates to discuss the LRWC statement and exchange ideas on issues related to human rights and civil liberties in different countries.

Oral Statements

GLOBAL: Effective protection for human rights defenders needed, an LRWC statement presented by Abdul Khan to the UN Human Rights Council on 3 March



Abdul Khan at the UN HRC

In response to the report by the Special Rapporteurs on human rights defenders, LRWC cited attacks on human rights defenders in Bahrain, China, Cambodia, Colombia, Honduras, Kashmir, Kenya, Pakistan, Saudi Arabia, Sudan, Syria, Thailand, Turkey, Thailand, Viet Nam and Zambia involving murder, enforced disappearance, criminalization of human rights advocacy, arbitrary detention and other attacks. LRWC called on Council to use bolder and more creative measures to ensure effective protection for human rights defenders and asked for a report on

acceptance and implementation by states of the proposed Model Law for the protection of human rights defenders.

MYANMAR: Commission of Inquiry into persecution of Rohingya needed

The joint [statement](#) of LRWC, the ICJ and the International Bar Association's Human Rights Institute supporting a Commission of Inquiry was delivered by Ms. Zar Li Ayeon on 13 March. The statement supports the Special Rapporteur's recommendation for a Commission of Inquiry to investigate persecution of Rohingya and other minorities in Rakhine State, Myanmar. Abuses against Rohingya have included killings, enforced disappearances, torture, rape, forced displacements, looting, destruction of homes, food and necessities and hundreds of arbitrary arrests and detentions. The statement also calls for an effective investigation of the murder of U Ko Ni, a prominent opponent of religious discrimination and inter-communal violence.



Zar Li Ayeon, Delivering the Joint Statement

Council orders investigation of atrocities

The UN Human Rights Council passed a [resolution](#) on 24 March to create an independent, multinational team to investigate killings, rapes and the destruction of property by security forces against Rohingya people in Rakhine state "with a view to ensuring full accountability for perpetrators and justice for victims." A [Flash Report](#) released on 3 March had concluded that Myanmar army had, during the counter-insurgency against Rohingya people that began in October 2016, killed hundreds, raped women and girls and forced up to 90,000 from their homes. Ms. Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar, had earlier [called for a Commission of Inquiry](#) and the European Parliament passed a motion to "urgently allow an UN assisted investigation."

Side Event

The Independence of the Legal Profession, a side event in Geneva on 16 March, organized by Lawyers for Lawyers and the Law Society of England and Wales and co-sponsored by LRWC and others.

The event featured an address by Diego García-Sayán, Special Rapporteur on the Independence of Judges

and Lawyers and presentations by lawyers Khalid Baghirov (Azerbaijan), Ayse Bingol Demir (Turkey), and Michel Togu  (Cameroon) about the dangers currently faced by lawyers in their countries and possible ways to improve the physical and professional safety of lawyers.

DEFENDING DEFENDERS – RESOURCES AND REPORTS

Index of attacks and threats against human rights defenders launched

The European Union Human Rights Defenders Mechanism created and launched on 30 March 2017 an [online index](#) of attacks on lawyers and other human rights defenders worldwide, to centralize and improve responses. The Mechanism reports more than 200 violations in 2017, including 17 murders, and states, “Judicial abuses, including arbitrary detention, judicial harassment, criminalisation or sentencing, are the most frequent types of alerts concerning defenders, with more than 130 cases documented in 2017 alone.”

Other Resources and Reports

- Annual Report on Defenders at Risk in 2016, *Front Line Defenders*, January 2017.
- [Make way for Justice #3](#): Universal Jurisdiction Annual Review 2017, ECCHR, FIBGAR, FIDH and REDRESS, March 2017.
- [The Situation of Human Rights Defenders](#) – Item 3: Amnesty International’s Written Statement to the 34th Session of the UN Human Rights Council, February 2017.
- [Gorsuch Would Use "Originalism" to Affirm Right-Wing Agenda](#), Marjorie Cohn, 21 March 2017.

EDUCATION

“Injustice Against Environmentalists Globally”, a forum about environmental activists fighting to save land and water and losing their lives, co-hosted by Kwantlen Polytechnic University and the Kwantlen Student Association, was held on 28 February at the KPU Surrey conference centre. Panelists were Heather Neun of LRWC, Don Wright of Amnesty International and Chandu Claver of the Cordillera Peoples’ Alliance and Hustisya Philippines. A welcome to unceded First Nations’ territory was provided by Kevin Kelly and Michael Kelly-Gabriel from the Kwantlen First Nation.

INTERNATIONAL CRIMINAL COURT

On 22 February South Africa’s North Gauteng High Court unanimously ruled that withdrawal from the ICC had to be approved by Parliament and described South Africa’s October 2016 notification to the UN Secretary General of the intention to withdraw as “hasty, irrational and unconstitutional”. The Court observed, “[t]he absence of a (specific) provision in the Constitution for the executive to terminate any international agreement is confirmation of the fact that such power does not exist until Parliament legislates for it”. The ICC issued a [press release](#) applauding the decision without acknowledging criticisms fuelling notices and threats of withdrawal by African states.

LRWC MEMBERS WORKING PRO BONO DURING DECEMBER-JANUARY

Clive Ansley, Samantha Black, Hanna Bokhari, Paul Copeland, Gail Davidson, Maya Duvage, Joe Hoffer, Gillian Hutton, Abdul Hamid Khan, Ben Levine, Peggy Li, Catherine Morris, Renee Mulligan, Heather Neun, Amy Reier, Cindy Song, Isabel Stramwasser, and Luiza Teirxeira.

Visit LRWC's online Volunteer page to view and sign up for work and monitoring positions currently available. Email us at lrwc@portal.ca for access.

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!

Follow LRWC



Contact us at:

lrwc@portal.ca

Telephone: +1 604 736 1175

Fax: +1 604 736 1170

Lawyers' Rights Watch Canada
is an NGO in Special Consultative
Status with the Economic and Social
Council of the United Nations.

Copyright © 2016-2017 Lawyers' Rights Watch Canada, All rights reserved.