

LRWC NEWSLETTER

April –May 2017 Edition

LRWC ACTION NEWS AND UPDATES

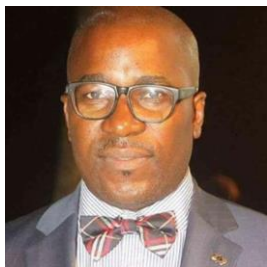
BRAZIL

Editor faces criminal defamation charges for story about salary of civil servant

LRWC sent [a letter on 20 April](#) objecting to the private criminal defamation prosecution of newspaper editor Érik Silva for publishing information about civil servant salaries. The letter stated that the prosecution is contrary to Brazil's domestic and international law obligations to ensure the exercise of freedom of expression free from criminal or civil punishment, citing freedom of expression guarantees in the Constitution of Brazil and binding international and regional instruments.

CAMEROON

'One for all and all for one' tweets jailed barrister rejecting release of two of 28 accused



Dr. Nkongho Felix Agbor Balla

On 27 April, anglophone rights activists Nkongho Agbor Balla, Dr. Fontem Nebad, Mancho Bibixy and 25 others came before the Military Court of Yaoundé facing charges under the Terrorism Law that carry the death penalty. The Terrorism Law purports to be a *lex specialis* that strips persons accused of fair trial rights and grants exclusive jurisdiction to determine charges to the military court.

Proceedings were adjourned to 24 May after defence lawyers presented an application for the pre-trial release of all 28 accused. The tribunal indicated an intention to grant conditional release to barrister Nkongho Felix Agbor-Balla and Professor Dr. Fontem Aforteka'A Neba, (citing possession of houses and decent jobs as the reason) and to refuse pre-trial release for radio show host Mancho Bibixy and the 25 others charged, and adjourned to 7 June for the final decision. Days later, barrister Nkongho Agbor Balla rejected selective release of some in a tweet released 29 May stating, "[i]t says one for all and all for one". Proceedings on 27 April were conducted in French which many of the accused do not understand. The Law Society of England and Wales sent a representative to observe the 27 April proceedings. Although the LSEW representative was able to meet with the legal defence team and with state officials, visits with the defendants were denied. The [LSEW report](#) is sharply critical of factors ranging from the inadequate courtroom facility to violations and denials of rights to fair trial, liberty, the presumption of innocence and rights to expression and dissent. Under international law, the accused have a non-derogable right to trial before a properly constituted

civilian court and military tribunals do not have jurisdiction to try civilians or to impose the death penalty. This prosecution represents yet another instance of a state using an "anti-terrorism" designation justify both charges too vague and overbroad to be avoided or defended and the creation of 'special' courts to arbitrarily impose unfounded convictions and harsh sentences. The LRWC letter on this case can be viewed [here](#).

CANADA

Access to Information reforms long overdue

More than 50 civil society organisations and individuals, including LRWC, [sent a letter on 4 April](#) requesting reform of Canada's woefully outdated Access to Information Act in accordance with pledges made during the election and as part of the Open Government Plan announced after the election. Canada currently ranks 49th of 111 countries on global rating of access to information laws. The letter calls on Canada to make a clear and formal commitment to move forward with the reform process and to pass amendments at the very latest by the end of 2018. Earlier calls by LRWC and other NGOs for better access to information in Canada include: June 2016 [series of recommendations](#) for reform; September 2015 [open letter](#) calling for improved access to information as a vital part of democracy; and, September 2012 [submissions](#) to the High Commissioner of Human Rights for consideration on the Universal Periodic Review of Canada.

Reinstatement of Court Challenges Program (CCP)

Heritage Minister Melanie Joly rejected the [20 March joint call](#) for section 35 of the *Constitution Act, 1982*, to be added to the re-instated CCP. While she addresses the expansion of the CCP beyond section 15 of the *Charter*, the joint letter did not take issue with that aspect of the modernization. Instead, it requested that the CCP's historic mandate be explicitly reaffirmed. The letter argued this was essential in order to ensure that CCP funding could not be used to support section 2, 3 and 7 cases that undermined, rather than reinforced, equality and access to justice for disadvantaged groups and official-language minority communities.

Missing and Murdered Indigenous Women and Girls Inquiry criticized



On 14 May, 2017 an open letter was sent to Chief Commissioner Marion Buller of the National Inquiry on Missing and Murdered Indigenous Women and Girls. Critical concerns raised include the lack of respect suggested by the absence of appropriate Indigenous ceremony; procedural delays that have made the time frame for hearings unworkably short; the lack of a centralized office resulting in lack of transparency, poor or non-existent communications with family members and exclusion from the planning process of the advocates who brought this tragedy to public notice; the lack of trauma-informed training for inquiry staff; the lack of supports for family including uncertainty concerning the availability of lawyers and of appropriate follow-up; and the lack of certainty concerning the supposed independence of the inquiry. LRWC was invited on very short notice to sign and endorsed the letter, though our signature was received too late for publication. The Open Letter can be viewed [here](#).

COLOMBIA

Violence against human rights defenders and others escalates following Peace Agreement

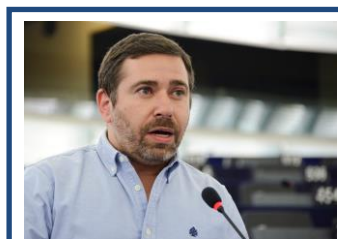


Danilo Rueda, HRD
Threatened in Colombia

The Colombian Caravana UK Lawyers Group, Irish delegation of the Caravana of Jurists, Fundación del Comité de la Abogacía Española and [LRWC sent a joint letter \(in Spanish and English\) 2 April 17](#), which repeated concerns about the increase in killings of and attacks against lawyers, human rights defenders and social leaders, the increase in para-military activity, the absence of government action to prevent or punish attacks and the resulting deterioration of safety. The letter urges the Government of Colombia to ensure that: HRDs and others at risk have effective protection; perpetrators are identified and held accountable; and, Resolution 1085 of 2015 on the Collective Protection Roadmap and point 3.4 of the Peace Agreement are implemented.

MEP ask EU to urge Colombia to ensure protection of people

The Member of the European Parliament (MEP) Javier Couso Permuy has addressed a parliamentary question to the European Commission's Vice-President/High Representative about the position of the European Union (EU) on increasing attacks against human rights defenders in Colombia. The Spanish MEP, who is a substitute member of the European Parliament's Subcommittee on Human Rights, highlighted the worsening situation in Colombia in recent months and the link between a greater paramilitary presence in areas previously occupied by FARC-EP and a notable increase in killings compared to 2015. Mr. Permuy also asked what action the EU would take to urge the Colombian Government to ensure the protection of its population.



Javier Couso Permuy

EGYPT

Lawyer given 10 years in prison for representing victims of police torture



Mohamad Ramadan

LRWC sent a [letter on 21 April](#) objecting to the conviction and imprisonment of human rights lawyer Mohamed Ramadan and calling for immediate remedies of release and vacation of conviction, and for amendments of the Anti-terrorism Law to define “terrorist act” with a degree of clarity that meets international certainty standards and fully complies with international human rights obligations. Charged under the Egyptian Counter-terrorism Law and summarily convicted in absentia on 12 April of “insulting the president, misusing social media, and inciting violence,” Mohamed Ramadan was sentenced to ten years in prison, followed by five years under house arrest and a five year ban on using the internet. The case against him was apparently fabricated in reprisal for his representation of the victims of torture by the Egyptian police. The evidence used against him in court was based on his own Facebook posts, plus posts made on fake Facebook profiles created by an impersonator. All but one of the witnesses who testified against him was a representative of the Egyptian police force.

KENYA

FIDH/OMCT prepare a report following the murder of Willie Kimani.



Willie Kimani

FIDH/OMCT [prepared a report](#) following the murder of Willie Kimani. The report concluded that police and security violence against HRDs remain high and the environment for civil society dangerous. Since the victory of President Uhuru Kenyatta in the 2013 elections the administration has shown open hostility towards HRDs. The following three areas are of main concern: (1) High levels of police violence against HRDs in particular those defenders seeking to hold public officials accountable for their actions. The killing of prominent human rights lawyer Willie Kimani is an example of this. (2) Increasing pattern of systematic criminalisation and intimidation of HRDs through arbitrary arrests, detentions and long trials. (3) Delay in commencement

of Public Benefits Organisations (PBO) Act 2013 that was to streamline regulation of civil sector and bring transparency.

MALDIVES

Prominent government critic and social media activist murdered

Yameen Rasheed, outspoken government critic and social media activist was stabbed to death on 23 April on the staircase of his building in Male. He had received several death threats most recently in December 2016 in response to his work. Police failed to conduct investigations or provide protection. LRWC sent [a letter on 2 May](#) calling for an effective investigation and measures to protect journalists and others exposing human rights violations. LRWC also joined 50 groups to endorse [a 17 May letter](#) denouncing the murder and calling for policy and law reform to provide safety and freedom to journalists and others engaged with human rights advocacy.

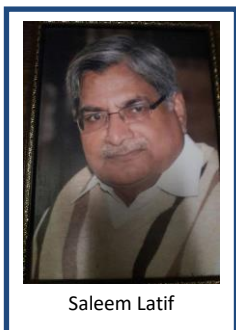


Yameen Rasheed

PAKISTAN

Community leader murdered for belonging to minority religion

Lawyer and community leader Saleem Latif, was murdered on 30 March 2017. His attacker has admitted to killing Saleem Latif for adhering to the beliefs of the Ahmadi religion. Prior to the murder, the Government of Pakistan apparently took no action to quell, prevent or punish routine threats against, and public vilification of members of the Ahmadi religion, thereby tacitly encouraging such actions as the murder. [By a letter dated 1 May](#), LRWC calls on the Government of Pakistan to urgently recognize the need for and to provide measures to prevent and punish attacks and threats against people seen as non-compliant with or critical of the majority religion. LRWC has responded to cases involving the murder, attempted murder and threats against lawyers and human rights defenders in Pakistan.



Saleem Latif

Bar Association threatens disbarment for any lawyer acting for convicted spy



On 14 April 2017, the Lahore High Court Bar Association (LHCBA) announced the intention to “cancel the membership of any lawyer who offers their services to [Mr. Jadhav]” and called on the government to ensure his hanging. In early April Kulbhushan Jadhav, an Indian national, was convicted of spying and sentenced to death by a military tribunal, notwithstanding that the offence did not involve the military. [LRWC and the Law Society of Upper Canada published a letter on 19 May 2017](#) explaining the absolute necessity of ensuring that Mr. Jadhav is represented by senior criminal counsel so he can appeal the conviction and sentence and the jurisdiction of the military tribunal. The letter also called on the government of Pakistan to ensure that Mr. Jadhav’s lawyer has adequate protection.

PHILIPPINES

Inter-Parliamentary Union (IPU) investigating arrest and detention of Senator

Senator Leila de Lima remains in jail in spite of a number of developments. LRWC’s [29 March letter](#) called for her immediate release and for an investigation of the arrest and charges. The outcome of a 17 April application for release is unknown. The application challenged the legitimacy of the prosecution and the jurisdiction and procedure used to make the arrest but did not raise rights to presumption of innocence, liberty and pre-trial release under the ICCPR (ratified by Philippines 23 October 1986). With support of several Senators, de Lima has asked to be released to attend session of the Senate and vote on important issues. The IPU initially expressed concern about the arrest and in May sent members to Manila to conduct an investigation of the arrest, detention and charges.



THAILAND

Lawyer facing charges in military court for legal representation receives human rights award



Sirikan Charoensiri, prominent human rights lawyer and co-founder of Thai Lawyers for Human Rights, received the Lawyers for Lawyers Award 2017 on 19 May for her "unwavering courage and commitment" and to "draw attention to the human rights situation in Thailand that is relatively unknown in the West." LRWC, Viet Tan and the Media Legal Defence Initiative had nominated imprisoned Viet Nam lawyer Nguyễn Văn Đài for the award. Advocacy by LRWC for Sirikan Charoensiri and Nguyen Van Dai can be viewed on the [Thailand](#) and [Viet Nam](#) pages of the LRWC website.

UNITED ARAB EMIRATES

Human rights defender arrested for exposing human rights abuse in UAE and the region

LRWC joined 88 NGOs in an [open letter released 20 April](#) calling for the immediate release of prominent, award winning human rights defender Ahmed Mansoor, arrested 20 March for exposing human rights abuses in UAE and the region and criticizing the use of criminal law powers to convict and imprison critics.



Ahmed Mansoor

The Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances published a statement on 28 March praising Mansoor's "outstanding work in the protection of human rights and the advancement of democracy" and expressing concern that he was arrested in reprisal for his work with UN mechanisms. Mansoor is being held incommunicado and is accused of using social media to: "publish false information and rumours;" "promote [a] sectarian and hate-incited agenda;" and "publish false and misleading information that harms national unity and social harmony and damages the country's reputation."

VIET NAM

NGOs reply to government submissions regarding detention of lawyer Nguyễn Văn Đài

NGOs petitioning for the release of imprisoned lawyer Nguyễn Văn Đài, filed a response (on 17 April) to the 6 April reply by Viet Nam to the petitioners filed on 25 November with the UN Working Group on Arbitrary Detention (WGAD). NGOs petitioning are: LRWC, Lawyers for Lawyers, Media Legal Defence Initiative, PEN International and Viet Tan. Nguyễn Văn Đài, a prominent human rights lawyer and advocate for democratization and human rights education has been arbitrarily detained without access to counsel and largely incommunicado since 16 December 2016. In April, Viet Nam again extended the incommunicado detention of Van Dai.



Nguyễn Văn Đài

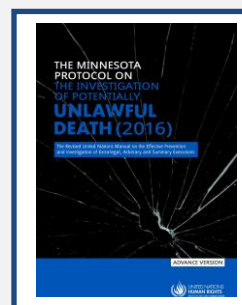
Viet Nam jails more critics and their lawyers after accepting UPR recommendations

On 12 May, LRWC, Lawyers for Lawyers and the Law Society of England released [a report on Viet Nam's failure to implement 2014 Universal Periodic Review \(UPR\) recommendations](#). Viet Nam had announced acceptance of recommendations to ensure: access to legal counsel; freedom of expression rights; and, a favourable working environment of human rights defenders and lawyers. The report concludes that Viet Nam has failed to take any significant steps to implement the changes recommended as necessary to comply with its international law obligations and continues to arbitrarily imprison people for peacefully voicing opinions, suggesting reform or representing activists.

UN HUMAN RIGHTS COUNCIL

State duties to investigate killings - Revised Manual released.

The UN High Commissioner for Human rights officially launched the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, commonly known as the Minnesota Protocol. The Protocol is aimed at individuals and groups involved in investigations into killings which may be unlawful, and establishes clear guidelines to ensure investigations into suspicious deaths are done effectively and bring accountability for violations of the right to life. The Revision expands the Protocol's subject-matter beyond its original focus on state-sponsored executions to now include the investigation of all potentially unlawful deaths, including those linked to a state failure to meet its obligations to protect life from external threat. The Protocol draws on international human rights jurisprudence and the right to truth to outline the standard of effective investigation, which requires that



investigation into unlawful death be prompt, effective, sufficiently independent, impartial and reasonably transparent to the victim's family and the general public. Transparency requires, at a minimum, that authorities are transparent about the existence of an investigation, the procedures followed, and the investigation's findings. In cases of systemic failure that may have contributed to the death, the Protocol notes that states have a duty to investigate the systemic failures through special mechanisms. Finally, the Protocol establishes a rigorous and practical framework for the conduct of investigations in cases of potentially unlawful deaths, and suggests that States should seek external assistance if unable to meet the technical capacities required for effective investigation.

UN Working Group on the issue of human rights and transnational corporations and other business enterprises (WG)

The WG made its first official visit to Canada, 23 May to 1 June to examine efforts to prevent and address adverse human rights impacts of business operations. In Vancouver, on 29 May the WG heard presentations from representatives of LRWC, the Union of BC Indian Chiefs, the Tsleil-Waututh, Coldwater, Gitwilyoots and Tk'emlúps te Secwepemc Nations, Amnesty International, David Suzuki Foundation, Northern Confluence, Mining Justice Alliance, Canada-Philippine Solidarity for Human Rights, CoDevelopment Canada and United Steelworkers. [LRWC's two presentations](#) (prepared by Catherine Morris with input from Gail Davidson and Grace Woo) focused on failures by Canada to adequately protect human rights impacted by commercial activities both within and outside Canada. Several presentations remarked on the extent to which Canadian laws and legal systems continue to serve their original colonial purpose of enabling seizure of lands for private profit and preventing effective opposition or remediation. In the past this was called "nation building;" today it is justified as "growing the economy." The Kinder Morgan Trans Mountain Pipeline, Site C dam and the Pacific North West LNG were BC mega-projects cited as approved without the free, prior and informed consent of affected First Nations as required by the UN Declaration on Indigenous Peoples, without adequate public consultations and contrary to the long-term public interest. Also highlighted was the need to reform mining laws to put long-term public benefit before short-term private profit and ensure access to clean land, air and water. LRWC will also make written submissions to the WG.



LRWC at Meeting with the Working Group

Statement at the end of visit to Canada by the WG

In a statement given at the end of the visit to Canada, the WG noted protests by First Nations peoples to the Site C and Kinder Morgan Trans Mountain pipeline projects and that "[o]ver the past decade many court cases have been brought by indigenous communities about lack of meaningful consultation and accommodation. Even if such cases are won by the indigenous communities after a long and expansive battle, the court rulings often merely serve as guidance to Government authorities to "correct the course" for future consultation processes." The WG report also confirmed Canada as one of the top three countries with companies connected to reported cases in the [Business and Human Rights Resource Centre] database of threats to human rights defenders. Although the muted language of the report obscures the gravity of the threats created by the persistent hegemony of corporate interests, the WG concluded there was "greater room for both federal and provincial governments, industry associations and companies, to consider their activities both domestically and overseas through a human rights lens."

Human Rights Council, 35th Session 6-23 June

Lawyers Renée Mulligan of Victoria and Angela Walker of Halifax, and Peter A. Allard School of Law (UBC) student Joseph Doyle will attend the 35th Session of the HRC as representatives of LRWC.

EDUCATION

Horror and Hate: Presentations and a photo exhibit about the persecution of the Rohingya in Burma on 5 May in Mississauga featured presentations by Jean-Nicolas Beuze, Representative of the United Nations High Commissioner for Refugees in Canada, Anwar Arkani, Founder Rohingya Association of Canada, Ahmed Ramadan, Outreach Coordinator Burma Task Force, and, [a message from Paul D. Copeland](#), Burma Monitor for LRWC.



Event Poster

The free event was hosted by Canadians in Support of Refugees in Dire Need (CSRDN) & the Burma Task Force and supported by: the Union of Medical Care and Relief Organizations (UOSSM); Lawyer's Rights Watch Canada; the Rohingya Association of Canada; and, Amnesty International/Canada.

ANNUAL GENERAL MEETING

LRWC and LRW(Legal Research)C held their Annual General Meeting on 28 April 2017 in Vancouver. The election of directors of LRWC and LRW(LR)C, annual business and resolutions were followed by reports from: Pinder Cheema Q.C., on prosecution of jurists in Cameroon; David F. Sutherland Q.C. on LRWC work during 2016; and, Paul G. Scambler Q.C. on visits in September by himself and Catherine Morris to the UN Human Rights Council and to imprisoned lawyers in Turkey. Paul also reported on Catherine Morris' in-country initiatives in Honduras, Thailand and Cambodia.

Elected as directors of LRWC were: Clive Ansley, Marjorie Cohn, Gail Davidson, Julius Grey, Carolyn McCool, Leo McGrady Q.C., David F. Sutherland Q.C., Isabel Stramwasser and Grace Woo. Elected as Directors of LRW(LR)C were: Siobhán Airey, Maya Duvage, Gavin Magrath, Monia Mazigh, Renée Mulligan, Margaret (Peggy) Stanier, Brian Samuels, Vani Selvarajah and Maureen Webb. Honorary Directors, Professor William Schabas, The Honourable Claire L'Heureux-Dubé, Grand Chief Ed John and Pearl Eliadis will consult Directors and provide advice in each of their areas of expertise.

LRWC MEMBERS WORKING PRO BONO IN APRIL & MAY

David Ambalawarner, Clive Ansley, Hanna Bokhari, Pinder Cheema Q.C., Paul Copeland, Gail Davidson, Maya Duvage, Julius Grey, Christopher Gully, Joe Hoffer, Simran Kaur, Ben Levine, Peggy Li, Gavin Magrath, Debbie Mankowitz, Rasmeet Mohar, Catherine Morris, Renée Mulligan, Heather Neun, Tina Parbhakar, Amy Reier, Vani Selvarajah, Cindy Song, Luiza Teirxeira, Grace Woo.

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.

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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.

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