

LRWC NEWSLETTER

December 2017 – January 2018 Edition

LRWC ACTION NEWS AND UPDATES

ARGENTINA

Third Anniversary of the murder of Alberto Nisman



Alberto Nisman

On the third anniversary of the murder of special prosecutor Alberto Nisman, on 18 January 2015, there is some cause for optimism that those responsible will be held accountable. Nisman was appointed to lead the investigation into the 1994 Bombing of the Amia Jewish Community Centre that claimed 85 lives. The day before he was scheduled to give evidence to Congress implicating then-President Cristina Fernandez Kirchner and other senior officials in a cover-up, he was found dead in his home from a single gunshot. Police rushed to call his death a suicide, and [in February 2015 LRWC wrote](#) to the Attorney-General of Argentina to demand a full and independent investigation, and protections for investigators and prosecutors. The Court of Appeals dismissed the charges that had been brought against President Kirchner. In October 2015, however, Kirchner lost power and under President Macri a fresh investigation was launched. This investigation ultimately determined that Nisman's death [was a murder](#). In December 2017, Justice Claudio Bonadio brought charges of treason against Kirchner for her role in the cover-up and subpoenaed her to appear and give evidence. However, Ms. Kirchner has recently been elected to the Senate of Argentina and as such enjoys immunity from prosecution unless a 2/3 senate majority waives that immunity.

CANADA

Canada/France: Dr. Hassan Diab Released from Detention after all Charges Dismissed



Dr. Hassan Diab

After more than three years in solitary confinement in a French prison, on 12 January 2018, a French judge [dismissed all allegations against Dr. Hassan Diab](#) and ordered his immediate release. Dr. Hassan Diab had been facing allegations in connection with the 1980 bombing of a Paris synagogue, for which he never

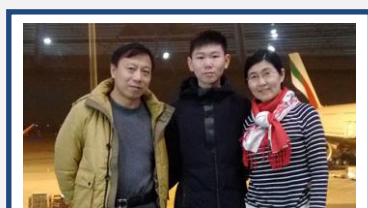
faced formal charges. He was extradited from Canada to France in November 2014, despite the acknowledgement of Canadian extradition judge Robert Maranger that the evidence against Dr. Diab was “very problematic,” “convoluted,” “illogical,” and “suspect.” During the last 20 months, four different French investigative judges have ordered Dr. Diab’s conditional release eight times. Each time, however, the Prosecutor appealed the orders, and the French Court of Appeal overturned the release orders. At the time of Dr. Diab’s release, LRWC was preparing a petition to file on his behalf with the Working Group on Arbitrary Detention.

Canada to create an independent extractive industries watchdog

In December, the Canadian federal government announced it would create an independent office to oversee the activities of Canadian mining, oil and gas companies abroad. According to Canadian government data, in 2015 Canadian mining and exploration companies were operating in 102 countries and two-thirds of the world’s public mining companies were listed in Canada. NGOs, including LRWC have been calling for greater oversight into the international activities of Canadian mining companies for years. Read more on the move [here](#).

CHINA

Son of Detained Human Rights Lawyer Wang Yu Permitted to Leave China



L-R: Bao Longjun, Bao Zhuoxuan, and Wang Yu

On 18 January 2018, Bao Zhuoxuan, the son of detained human rights lawyer Wang Yu and her legal activist husband Bao Longjun, [arrived in Australia](#). His arrival in Australia follows more than two years of house arrest, during which time he was denied permission to leave China. Bao Zhuoxuan’s departure came as a result of a plea bargain struck by his parents, part of which included what many viewed as a coerced confession. Wang Yu and Bao Longjun remain under surveillance by Chinese authorities. Bao Zhuoxuan was 16 years old when his passport was confiscated after his parents’ arrest on 9 July 2015. The arrest of Wang Yu and Bao Longjun was part of a national police operation against the legal profession, which has come to be known as the “709 crackdown.” LRWC has [called upon the international community in multiple letters](#) to come to the aid of lawyers and activists targeted in the crackdown.

EGYPT

El-Massry successful on appeal of two year prison sentence

On 13 January 2018, Lawyer Mahienour El-Massry and trade unionist Moatasem Medhat were acquitted on appeal. They had been convicted of breaking Egypt’s anti-protest law, restrictions on public assemblies that dates back to 1914 under British rule, and “insulting the president.” The two were sentenced to two years in prison. The charge came as a result of a June 2016

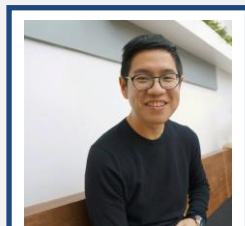


Mahienour El-Massry

demonstration in which lawyers protested in front of an Alexandria court to protest the government's transfer of the Tiran and Sanafir islands to Saudi Arabia. The 18 November 2017 arrest and subsequent prosecution of Mahienour El-Massry is part of a wider crackdown against human rights defenders and civil society organizations in Egypt. LRWC, along with Lawyers for Lawyers, [wrote a letter in December 2017](#) calling on Egypt to immediately release and drop charges against Mahienour El-Massry.

INDONESIA

Investigation into the maltreatment of Aldo Felix January terminated



Aldo Felix Januarydy

The South Jakarta Police office has terminated the investigation into the maltreatment of public interest lawyer Aldo Felix Januarydy. Mr. Januarydy works at the Legal Aid Institute in Jakarta, which provides legal aid to the poor and marginalized people in Indonesia. The maltreatment occurred 12 January 2016, when Mr. Januarydy was attacked by members of the Civil Service Police Unit while negotiating on behalf of his clients, who were being forcefully evicted. He suffered wounds to his eyebrow and chin and damage to his possessions. Mr. Januarydy filed a police report against the perpetrators, and the investigation has been ongoing for a year and a half. However, the South Jakarta Police Office has chosen to end the investigation, even though there are reports of compelling evidence that support Mr. Januarydy's case. LRWC and Lawyers for Lawyers have written [a joint letter](#) to the Jakarta District Court urging that the investigation be re-opened and that protection is ensured for Mr. Januarydy and other public interest lawyers.

MYANMAR

U Ko Ni Trial Continues

The trial in the murder of U Ko Ni prominent human rights and constitutional law lawyer and advisor to Aung San Su Kyi and the governing National League for Democracy party, continues a year after U Ko Ni was assassinated on 29 January 2017. On 20 January 2018, trial judges accepted articles published by state owned media sources as well as closed circuit television footage as admissible evidence of motive and collaboration between the three men charged in relation to the murder. The court's acceptance of news articles and CCTV footage supports the theory U Ko Ni murderers were motivated by personal grudges and racial tensions. At the time of his death, U Ko Ni was advocating for the redrafting of Myanmar's constitution. Former high ranking military member and the alleged mastermind of the murder, Aung Win Khaing, remains at large despite reports he remains somewhere inside Myanmar. Aung Win Khaing's alleged involvement in the murder support the theory U Ko Ni was murdered in an effort to thwart constitutional reform capable of diminishing the military's power over the legislative, executive, and judicial branches of the government.



U Ko Ni

Rohingya refugees remain in Bangladesh

Approximately 650, 000 Rohingya refugees remain in Bangladesh as a result of the August 2017 wave of

genocidal violence perpetrated against the Rohingya by Myanmar's military forces and segments of civilian society. Myanmar's military continues to deny humanitarian, media, and UN groups access to the Rakhine region. In December of 2017, two Reuters journalists who are thought to have discovered evidence of mass graves were been put on trial in Myanmar for allegedly using illegally acquired information with the intent to share it with foreign media. Despite international attention and condemnation, State Councilor and leader of the ruling party, Aung San Suu Kyi appears unwilling or unable to address the atrocities perpetrated against the Rohingya. A repatriation agreement signed by Bangladesh and Myanmar for the return of the Rohingya starting 23 January has been postponed indefinitely. It appears many Rohingya do not want to be repatriated without assurance they will be safe. Under the proposed repatriation plan, returning Rohingya would be housed in large barrack type structures in areas fenced in with barbed wire. It is reported that the refugees will be required to have documentation to prove they are from Rakhine State, a difficult condition to meet given many Rohingya have been denied citizenship in Myanmar since 1982. and that many Rohingya fled Myanmar under extremely violent circumstances. In late January, Bill Richardson, former New Mexico Governor and US Ambassador to the UN, stepped down from a Myanmar advisory board on the situation in Rakhine state, citing disagreement with his friend, Aung San Suu Kyi's, approach to the Rohingya situation.

SOUTH SUDAN

Activists still missing one year later

One year later, Sudanese human rights activists Dong Samuel Luak and Aggrey Iddri are still missing. Dong Samuel Luak, a prominent South Sudanese lawyer and human rights activist was arrested by Kenyan authorities on 23 January 2017. He had fled from South Sudan to Kenya in August 2013 after receiving death threats for his work as a lawyer and was a registered refugee with the UN Human Rights Commission for Refugees. Aggrey Iddri is a member of the Sudan People's Liberation Movement-In Operation and a prominent government critic. He went missing 24 January 2017, also in Kenya. Amnesty International received credible information that the two men were taken to the National Security Service headquarters in Juba, South Sudan on 25 January 2017. However, they were removed from this facility on 27 January 2017 and there has been no information as to their whereabouts since. LRWC has written two letters (Joe Hoffer) to Sudanese officials, asking for information on the whereabouts of the two missing men. LRWC correspondences can be viewed [here](#).



Dong Samuel Luak and Aggrey Iddri

TURKEY

Taner Kilic released and immediately rearrested

Taner Kilic, chair of Amnesty International Turkey, was ordered released on bail on 31 January 2018 but his release was immediately denied after the prosecutor applied to appeal the release order. He has been detained in Izmir since 6 June 2017, facing charges of "membership of a terrorist organization" in relation to allegations that he was using Bylock, an encrypted messaging application on his phone, which Turkish authorities claim was used by members of the "Fethullahist Terrorist Organization." Taner Kilic was arrested along with 22 other lawyers. In the one-and-a-half years since a state of emergency was declared



Taner Kilic

following the attempted coup in Turkey in July 2016, over 570 lawyers have been arrested, with 79 of those convicted and sentenced. Taner Kilic continues to fight the charges against him. Idil Eser, Director of Amnesty International Turkey, and nine other human rights defenders face similar charges. LRWC has [petitioned the government](#) of Turkey [to drop the charges](#) against Taner Kilic and charges [against Idil Eser](#) and the nine other human rights defenders.

VIET NAM

Resolution passed by European Parliament

LRWC and 10 other international human rights organisations welcome the resolution passed by the European Parliament calling on Viet Nam to release all political prisoners, stop the crackdown against human rights defenders and journalists and comply with its international human rights law obligations. The 15 December Press Release highlights violations against human rights lawyer Nguyen Van Dai, arbitrarily detained without cause since 16 December 2015.

LRWC has continued to work with a coalition of NGOs and civil society organizations on the ongoing #StoptheCrackdownVN campaign to raise awareness of the ongoing abuses that human rights defenders and political activists in Viet Nam are facing. According to LRWC's partners, over 25 human rights defenders, including lawyers, activists, and bloggers, have been arrested, detained, and sentence in 2017 alone. Through this campaign, a group from the NGO coalition attended a summit at the European Union summit in Brussels, Belgium, bringing the joint action letter that LRWC helped draft. This lobbying led to a [resolution being passed by the European Parliament](#) on 14 December 2017, "expressing concern about the rise in the number of detentions, arrests, and convictions of Vietnamese citizens related to the expression of their opinions" and specifically condemning the sentencing of Nguyen Van Hoa to seven years in prison for exercising his right to freedom of expression. Nguyen Van Hoa is a videographer and blogger who released footage of illegal toxic dumping of industrial waste, leading to an environmental disaster in Ha Tong Province.



Nguyen Van Hoa

LRWC is also in the process of drafting letters with our Viet Nam partners regarding the unsuccessful appeal by Nguyen Ngoc Nhu Quynh (also known as 'Me Nam', or 'Mother Mushroom'). Her [10-year sentence for her conviction of 'conducting propaganda against the state' was upheld](#). In addition to this, LRWC was made aware that one of her lawyers, [Vo An Don, was disbarred by the Phu Yen Bar Association](#), for his role in defending Me Nam's case.

Two year anniversary of arbitrary detention of Vietnamese human rights lawyer

22 December 2017 marked the two-year anniversary of the arbitrary detention of Nguyen Van Dai, a prominent Vietnamese human rights lawyer, who [was arrested and detained in 2015](#) under Article 88 of the Vietnamese Penal Code. He was arrested and detained for his pro-democracy work and charged for 'conducting propaganda against the State'. He has remained in pre-trial detention and has been subject to conditions damaging to his health. [According to a recent interview with his wife](#), despite three lawyers attempting to represent him, none have been given access to him, and a state-appointed lawyer has been assigned as his representative. He continues to be detained despite the [8 June 2017 decision by the UN Working Group on Arbitrary Detention](#) calling for his immediate release. Human rights in Viet Nam continue to be undermined, particularly with respect to freedom of expression, and there have been further revisions to the Penal Code enhancing restrictions on expression. One of the most concerning amendments is a [new section of the penal code that would hold lawyers criminally responsible](#) for not reporting their own clients to authorities for crimes such as 'national security violations' such as article 88. LRWC continues to work with international and local civil society organizations to call on the government of Viet Nam to release Nguyen Van Dai and drop all charges against him.



Nguyen Van Dai

INTERNATIONAL CRIMINAL COURT NEWS

Assembly of State Parties Meeting

Between 4 and 14 December 2017, the Assembly of State Parties to the ICC (ASP) met at UN headquarters in New York for their annual meeting. Newly elected ASP President, Judge O-Gon Kwon, opened the assembly noting the upcoming 20th anniversary of the Rome Statute and the difficult road that the Court will continue on in the promotion of the rule of law and accountability for the gravest international crimes. Six new judges were elected, five of whom were female and one, Kimberly Prost, a Canadian.



The ASP Meeting

Included in this year's agenda were the usual topics of the universality of the Rome Statute, cooperation of States Parties and the Court's budget. William Pace, Convener of the Coalition for the ICC passionately spoke out against the 7 States Parties, which included Canada, that traditionally push for zero nominal growth of the budget. Noting the restrictions caused by this zero growth policy in a time when the Court is being asked to investigate more difficult situations and expand its reach, Pace labeled the policy as a 'noose around the Court's neck'. Ultimately the States Parties agreed to a very nominal budget increase.

In addition to discussions on challenges the Court faces, the ASP succeeded in reaching a consensus on the activation of the crime of aggression. [Read more of the report by Melissa Tessler](#), who attended the ASP meeting.

Iraq: ICC Prosecutors Find “Reasonable Basis” for Claims of War Crimes by UK Troops

On 4 December 2017, the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) announced that it sees a reasonable basis for believing that members of the UK armed forces committed war crimes in Iraq. The European Center for Constitutional and Human Rights (ECCHR), along with Birmingham law firm Public Interest Lawyers, first submitted a criminal complaint to the OTP in January 2014, concerning systematic torture and abuse of prisoners in Iraq between 2003 and 2008. As a result of the submission, the OTP re-opened its preliminary review of crimes committed by UK forces. Following this latest announcement, the OTP will move to what it refers to as Phase 3 of the proceedings, examining issues of gravity and complementarity, which considers whether the UK itself is conducting genuine investigations and prosecutions domestically. UK officials claim that they are sufficiently investigating and prosecuting the allegations. The ECCHR disputes this claim, holding that the UK government has systematically shut down investigations into serious allegations of war crimes in Iraq. If ICC Prosecutors find that the UK is insufficiently conducting investigations, it is expected that proceedings will move to a formal investigation of the allegations. Professor Craig Scott of Osgoode Faculty of Law [submitted a brief of evidence](#) indicating that the scope of the investigation be widened to include the military and civilian command of Canada’s military operations in Afghanistan.

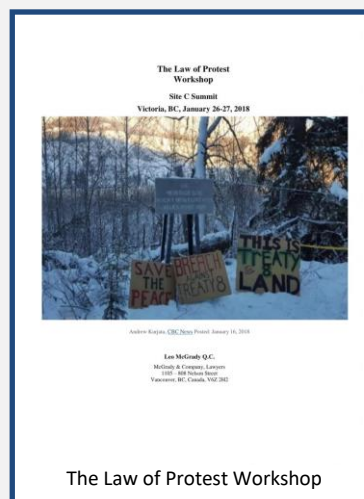
Request to the Prosecutor of the International Criminal Court

Canadian lawyer Christopher Black and Dr. Graeme MacQueen,, the founder of the Centre for Peace Studies at McMaster University, have written the International Criminal Court an Open Letter of 23 January requesting the U.S. threats to commit genocide against North Korea be placed under the Court's investigation. Threats by U.S. President Trump and members of his administration to destroy the people of North Korea, a national group, are noted and underscore the "intent to destroy" understood as the signature of a genocide. The letter also points out that by meeting with the U.S. in Vancouver on 16 January Canada's leadership becomes complicit in a conspiracy supporting the threatened use of genocide. Read more of the [article by J. B. Gerald here](#).

EDUCATION

Site C Summit, 26-27 January 2018 in Victoria BC

The Site C Summit, organized by the Peace Valley Solidarity Initiative, to review the processes and information that lead to the provincial NDP caucus decision, announced 11 December 2017, to continue Site C construction. Speakers at the Site C Summit included Chief Robert Chamberlin, Judith Sayers and Seth Klein. Gail Davidson and Leo McGrady Q.C. were not able to attend to lead a workshop on rights to protest. LRWC provides for participants copies of [The Right to Dissent](#) and [The Law of Protest: Site C Accountability Summit Edition](#), by Leo McGrady. More information on the Site C Summit can be found [here](#).



EVENTS

Day of the Endangered Lawyer

The Day of the Endangered Lawyer, marked on 24 January of each year, is a time to reflect on the personal and professional safety of lawyers around the world, who face mounting persecution, prosecution, arbitrary detention, threats, torture, assaults and death in reprisal for their work to protect rights and secure justice. Each year, the Day of the Endangered Lawyer focuses on the plight of lawyers in a particular country. The focus in 2018 was on Egypt. A total of thirty-three cities participated in the events this year, including Paris, Mumbai, Milan and Taipei.

LRWC co-hosted three events across Canada to discuss the issues to honour our legal colleagues in Egypt and to call on authorities to respect and protect advocacy rights and ensure freedom from “intimidation, hindrance, harassment or improper interference”, their personal and professional safety and remedies for violations. The first event was a panel discussion in Halifax in partnership with the CBA-NS Constitutional & Human Rights Law Section and the Dalhousie University International Law Society. A panel discussion was held at [the University of Victoria's](#) faculty of law, organized by LRWC, in partnership with student club LEVEL. Justice. Ragia Omran (by video from Cairo), prominent lawyer and human rights activist in Egypt, 2017 recipient of the prestigious Franco-German Prize for Human Rights and the Rule of Law, spoke about the repressive regime in Egypt, the challenges and obstacles she continues to face from the Egyptian authorities. She implored LRWC members, as her legal colleagues, to please keep the people of Egypt, especially the human rights advocates and lawyers, on our radar and in our thoughts. Dr. Martin Bunton, Professor at the University of Victoria History Faculty, spoke about the history of the 2011 Arab Uprisings with a focus on Egypt, highlighting how this has affected human rights. M.T., law graduate from Turkey and Convention refugee to Canada, spoke about his experience as a law graduate in Turkey, and about the arrests and detention of lawyers and judges in Turkey following the 2016 attempted military coup. Renée Mulligan, LRWC Director and Megan Presnail, LRWC Myanmar Monitor, moderated the panel.



In Toronto the Day of the Endangered Lawyer was marked on 31 January with a sold-out event at the Law Society of Ontario sponsored by LRWC, the Law Society of Ontario and Human Rights Watch. Farida Deif of HRW interviewed Mr. Adel, an Egyptian human rights lawyer now living in Canada who was able to share both professional and personal perspectives on the decline of the rule of law and the persecution of lawyers for political purposes under the guise of state security and anti-terrorism. Their discussion was followed by a reception where Gavin Magrath and Cindy Song represented LRWC, discussing work on behalf of human rights defenders and Ms. Song's personal experiences as a Chinese-trained lawyer. More information on the Day of the Endangered Lawyer can be found [here](#).

Social Justice Law Conference

On 3 March 2018, the social justice community at the Peter A. Allard School of Law, in association with the Law Union of BC and others, will [host a one-day conference on the intersections of social justice and the law](#). Mary Ellen Turpel-Lafond will deliver the keynote address. The theme of the conference will be

“The Role of the Legal Community in Supporting Social Movements.” It will take place in the Heritage Hall on Main Street in Vancouver from 9 AM – 5 PM, and will feature panels and workshops on housing justice, immigration justice, criminal justice in the opioid crisis, movement lawyering, mental health reform, and indigenous children’s rights. Registration opens in February 2018, and is open to all members of the legal community, and the public.

LRWC Members Working Pro Bono in December & January

Clive Ansley, Paul Copeland, Gail Davidson, Maya Duvage, Joe Hoffer, Joshua Lam, Gavin Magrath, Carolyn McCool, Leo McGrady, Catherine Morris, Renee Mulligan, Megan Presnail, Brian Samuels, Jing Song, Melissa Tessler, Angela Walker.

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