

LRWC NEWSLETTER

April – May 2018 Edition

LRWC ACTION NEWS AND UPDATES

ARGENTINA

Delegation of lawyers to advocate for release of Milagro Sala



Milagro Sala

Milagro Sala, indigenous leader of the Tupac Amaru community organization and member of the parliament of Mercosur, was arrested 16 January 2016 for participating in a peaceful protest and has remained in prison for two years. She was originally charged with occupying public space, disorderly conduct and the obstruction of vehicle and pedestrian traffic in relation to a sit in protest and later charged with fraud and embezzlement. The Argentinean government has refused to release Ms. Sala, even after the UN Working Group on Arbitrary Detention (WGAD), in an Opinion released 2 November 2016 (A/HRC/WGAD/2016/31), concluded her detention was arbitrary and recommended immediate release and compensation. The WGAD based its recommendations on findings that the detention resulted from Ms. Sala exercising protected rights and that her fair trial rights had been breached. A WGAD delegation visited Argentina 10-18 May 2017 to further investigate arbitrary detentions. The Inter-American Commission of Human Rights also [called for her release](#). Her detention and prosecution are viewed as a response to the work of Tupac Amaru, a collective of grassroots and indigenous organizations, delivering public services and protesting undemocratic governance and economy in Jujuy, a poor northern province in Argentina. The provincial government in Jujuy has used the judicial system to criminalize protests, as leaders and members of the Network of Social Organizations have been detained and jailed. The Committee for the Freedom of Milagro Sala is sending a delegation of five lawyers from Canada, Colombia and the U.S. to visit Milagro Sala in prison and meet with government officials and human rights organizations from 7-14 June 2018. LRWC is sponsoring the delegation by providing legal information and assisting with the preparation of statements based on international law. Other sponsors include the National Lawyers Guild, United Steelworkers, Canadian Labour Congress and the Public Service Alliance of Canada.

CAMEROON

Lands rights activists and their lawyer arrested and threatened with prosecution

Jan Chapelle, founder of OFFGO, an organization opposing land grabbing and promoting preservation of farm land and gorilla habitat, and OFFGO's lawyer Elvis Brown face death threats for pursuing a complaint with the Cameroon National Commission on Human Rights and Freedoms. State authorities in Cameroon have subjected Jan Chapelle and other OFFGO members to detention, interrogation and threatened prosecutions apparently in reprisal for their peaceful human and environmental rights advocacy. LRWC [calls on](#) Cameroon in a letter dated 25 April 2018 (Pinder Cheema Q.C.) to protect the lives of Chapelle and Brown, to prevent future and punish past death threats, and to stop the harassment.



Ensure right to protest: end arbitrary restrictions of demonstrations

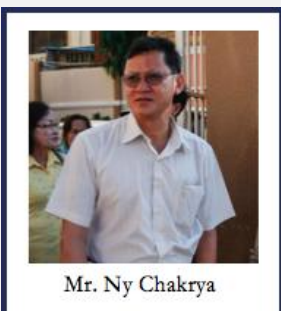
In May 2018, lawyers and law students gathered in Yaoundé to protest the questionable results of recent bar admission exams and to call on President Biya to review the results. However, police confined the protestors to a small, cordoned perimeter and failed to respect the pre-approved itinerary for the demonstration. Under international law treaties such as the International Covenant on Civil and Political Rights and the African Charter on Human Rights, the Government of Cameroon has an obligation to respect the rights to peaceful assembly and freedom of association with others. LRWC sent a [letter on 10 May 2018](#) (Robert Lapper Q.C.) urging Cameroon to comply with international law obligations, and to put an end to all arbitrary restrictions of right to assembly and protest.

Arrest and arbitrary detention of Avenir Jeune de l'Ouest members



On 20 and 21 April 2018, five members of the association Avenir Jeune de l'Ouest (AJO) were arrested and taken to the Dschang central police station where they were detained in a single cell without sanitary facilities or beds. Access to counsel was denied until 24 April 2018. AJO promotes the rights of LGBTIQ persons with HIV and sex workers in western Cameroon. The AJO members who have been charged with "homosexuality" under article 347 -1 of the Cameroon Penal Code could face up to five years in prison and a fine of 200,000 CFA (about 300 Euros) if convicted. Members of AJO have faced harassment before. In 2017, unidentified individuals wrote insults on the walls of the AJO offices, and the executive director received death threats over the telephone from an anonymous caller. The arrest and arbitrary detention of AJO members is part of mounting threats and attacks against members of the LGBTIQ community and their advocates in a climate of almost complete impunity for perpetrators. The [LRWC letter of 10 May 2018](#) (Robert Lapper Q.C.) asks for the immediate and unconditional release of the five AJO members and an end to the judicial harassment of all human rights defenders and members of the LGBTIQ community.

CAMBODIA

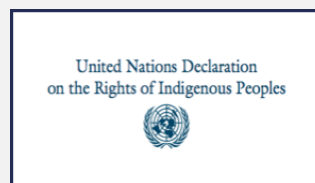


Mr. Ny Chakrya, human rights lawyer: LRWC and the International Commission of Jurists (ICJ) resubmit joint amicus brief

In March 2018, LRWC and the ICJ [resubmitted their joint 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 amicus brief was originally submitted to the Court in March 2017, but the appeal hearing date was delayed. The Supreme Court hearing is currently scheduled for 13 June 2018 at 8am. The amicus brief examines applicable international and domestic law and submits that relevant Cambodian Criminal Code provisions fail to measure up to international human rights law standards because they are overbroad and are being applied for the illegitimate purpose of criminalizing the lawful exercise of freedom of expression. The charges against Mr. Ny Chakrya were based on his criticism of the conviction for trespass of two villagers involved in a land dispute with a corporation. At the time of his comments, Mr. Ny Chakrya headed the human rights section of the Cambodian Human Rights and Development Association.

CANADA

Canada's human rights record reviewed at the Human Rights Council's Universal Periodic Review



Lawyers Without Borders Canada and LRWC published a [joint press release](#) on 11 May 2018, highlighting the Joint Report recommendations that to comply with its international law obligations Canada must:

- Ensure access in Canada to remedies for victims of rights violations committed outside Canada by Canadian corporations;
- Increase its participation in and support for the Inter-American human rights system of the Organization of American States and sign the [American Convention on Human Rights](#);
- Implement the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#).

COLOMBIA

Joint letter to President Juan Manuel Santos Calderón emphasizing the need for rule of law and access to justice

On 14 May 2018, a [joint letter](#) was sent to President Juan Manuel Santos Calderón of Colombia regarding the continuing high levels of violence against human rights defenders and social leaders, and emphasizing the need for respect of rule of law and access to justice. The letter emphasizes that in order to instill confidence in the Colombian people and to achieve reconciliation through victims' rights to truth, justice and reparations, members of the FARC and its former leaders need to be held accountable through an open justice process in Colombia. The letter was signed by LRWC (Heather Neun), Colombian Caravana, Global Witness, Bar Human Rights Committee, and Fundación de la Abogacía Española.



PAKISTAN

Lawyer Zainullah Khan murdered: failure to prevent and punish killings of lawyers continues

LRWC condemns the murder of lawyer Zainullah Khan that took place on 30 March 2018 in Swabi, in the province of Khyber Pakhtunkhwa Pakistan. According to reports Zainullah Khan was shot and killed while driving home by unidentified assailants. Lawyers called on the provincial government to provide protection for lawyers, as Mr. Khan's murder is one of many cases in which lawyers have been targeted and killed in the area. LRWC is alarmed by the continued targeted assassinations of lawyers in Pakistan and the impunity enjoyed by perpetrators as a result of government inaction. The [LRWC letter of 24 April 2018](#) (Hanna Bokhari) refers to the unlawful killing of 61 lawyers in Pakistan that have not been remedied through investigations and trials resulting in the identification and punishment of the perpetrators. In addition, Pakistan has not responded to the wave of murders with effective protection measures. The impunity coupled with lack of preventative measures contribute to continuing lethal attacks on lawyers in Pakistan.

THAILAND

Appeal Court reverses criminal defamation conviction against human rights defender Andy Hall



On 31 May 2018, Thailand's Appeals Court reversed the September 2016 conviction of Andy Hall, a British human rights defender, on criminal defamation charges and offences under the *Computer Crime Act* relating to research he conducted for a 2012 FinnWatch report documenting human rights violations by several corporations including the Natural Fruit Company Ltd (Natural Fruit). The Appeals Court ruled that Finnwatch and Andy Hall's research was in the public interest and confirmed that *Computer Crime Act* charges cannot be used in tandem with criminal

defamation charges. Natural Fruit has stated its intention to appeal the acquittal in Thailand's Supreme Court. This case is one of several strategic lawsuits against public participation ("SLAPP suits") in a campaign of judicial harassment by Natural Fruit against Mr. Hall that began in early 2013. Mr. Hall has appealed a 26 March 2018 civil court order against him by a Bangkok court to pay 10 million baht (approx. 320,000 USD) to Natural Fruit in a connected civil lawsuit. He also faces criminal defamation and *Computer Crimes Act* charges in a SLAPP suit brought against him in November 2016 by poultry company Thammakaset Company Ltd. using the same legal team as Natural Fruit. Mr. Hall left Thailand in November 2016 citing concern about ongoing judicial harassment and fear for his safety. More detail on five years of judicial harassment against Mr. Hall is found in [Finnwatch's 31 May 2018 press release](#).

The Appeal Court reversal of Mr. Hall's conviction follows a 17 May 2018 United Nations (UN) [press release](#) from a group of Human Rights Council Special Procedures mandate holders criticizing Thailand's use of defamation legislation as a means of silencing human rights defenders reporting business-related human rights abuses. The UN experts pointed out that Thailand has had an increase in SLAPP lawsuits filed by businesses aiming to silence concerns about working conditions. Criminal defamation cases are often used as a tool to undermine and criminalize legitimate human rights work and freedom of expression. The UN experts state that it is critical for Thailand's government to revise civil and criminal laws, as well as

prosecution processes, in order to prevent companies from engaging in SLAPP. The UN experts draw attention to the fact that the improper use of defamation laws can have adverse effects on human rights defenders and can embolden other companies to file similar claims.

LRWC has monitored Mr. Hall's case since June 2014 and signed a [joint open letter](#) to Thai authorities on 20 September 2017 regarding charges against migrant workers and Mr. Hall, and urging Thailand to decriminalize defamation and to protect the rights of migrant workers and human rights defenders when reporting human rights abuses. On 10 December 2016, LRWC signed an [open letter](#) calling on Thailand to amend its criminal defamation laws and the *Computer Crime Act*. Further LRWC communications regarding human rights defenders in Thailand can be found [here](#).

TURKEY

Release and drop charges against Eren Keskin

Eren Keskin, internationally respected human rights lawyer, faces over 100 politically motivated prosecutions in reprisal for her effective human rights advocacy on behalf of minorities and for her reporting on issues involving Kurdish people. Having worked on contested human rights issues for almost thirty years, Ms. Keskin has contributed significantly to the protection of minority rights, countered violence against women, and campaigned to end torture and challenge militarism. In retaliation for her human rights activities, Ms. Keskin has been subjected to multiple instances of persecution and harassment, including assassination attempts and criminal prosecutions based on overly broad and vague charges that preclude both advance notice and defense. Over 120 cases have been lodged against her in Turkish courts. Six of these politically motivated prosecutions have resulted in wrongful convictions with all appeal options exhausted. In a further 69 cases, Ms. Keskin has been pronounced guilty but the cases remain under review before the Court of Appeals or the Supreme Court. The [LRWC letter of 8 May 2018](#) (Brian Samuels) calls for release, withdrawal of charges, stay of prosecution and that all convictions and sentences be vacated.



Immediate release and adequate medical treatment for Mustafa Aydin



LRWC is gravely concerned for the health, liberty and safety of Turkish lawyer Mustafa Aydin. Mr. Aydin has been detained since 16 August 2016, and over a year later was charged under Article 314/2 of the Turkish Penal Code. It is believed Mr. Aydin was detained, arrested and charged solely on the basis of allegations of association with the Gulen Movement, which has been designated as an armed terrorist organization. Furthermore, Mr. Aydin has been diagnosed with prostate cancer and a hernia, and requires immediate medical treatment and ongoing care to address his conditions and extend his life. However, he has not received adequate medical care while in detention, and his treatment has been delayed due to the overcrowding of Turkish prisons. The [LRWC letter of 24 April 2018](#) (Brian Samuels) calls for the immediate release of Mr. Aydin so that he can obtain the medical treatment and care he urgently requires. As of 18 May 2018 the Arrested Lawyers Initiatives reports 1542 lawyers prosecuted, 580 arrested and 138 sentenced since July 2016.

VIET NAM

NGOs call for the release of Nguyen Van Dai

Five NGOs [again call](#) for the immediate release of lawyer Nguyen Van Dai, detained since 18 December 2015 for his human rights advocacy and belonging to a human rights organization. In June 2017 the WGAD determined that his detention was arbitrary on four separate grounds and recommended his immediate release. Nguyen Van Dai, who has been held incommunicado and denied access to lawyers, now faces an unfair trial on charges of attempting to overthrow the government by starting a human rights organization, which bears the death penalty.



Nguyen Van Dai

Joint report to UN Human Rights Commission

On 30 April 2018, LRWC and Lawyers for Lawyers filed a [Joint Thematic Report for the adoption of the List of Issues](#) with the UN Human Rights Committee for consideration preparatory to the Committee's review of Viet Nam's compliance with the International Convention on Civil and Political Rights (ICCPR). The Committee will consider the List of Issues in July 2018 and request Viet Nam's response. The joint report by LRWC and L4L identifies and gives examples of the failure to comply with ICCPR obligations to ensure:

- Fair trial rights;
- Access to an independent tribunal to determine rights and criminal charges;
- Protection of rights to expression and association; and
- The right of HRDs to engage in advocacy free from reprisals and other interference.

With increasing frequency lawyers and other HRDs are targeted with harassment, intimidation and prosecution for exercising rights to expression in the course of representing clients, advocating for multi-party elections and engaging in human rights advocacy and education. In March 2018, Nguyen Van Dai and



five other lawyers from the human rights organization Brotherhood for Democracy were given notice they were facing charges under Article 79 of the Penal Code. After a one-day court appearance in April 2018, all six were summarily convicted and given lengthy sentences of prison and house arrest. Nguyen Van Dai was sentenced to 15 years imprisonment and 5 years of house arrest. The vulnerability of the judiciary to interference and control by the Vietnamese Communist Party (VCP), has grave consequences for HRDs criticizing or raising awareness about government.

SUDAN

Detention of Mohamed Abdallah El Doma, Saleh Mahmoud and Mohammed Al-Hafiz

LRWC is concerned with the detention of three Sudanese lawyers who have been held incommunicado since early 2018. Mohamed Abdallah El Doma, the chairman of the Darfur Bar Association,



Mohamed Abdallah El Doma

was arrested in Omdurman on 17 January 2018. Saleh Mahmoud and Mohammed Al-Hafiz were arrested in Khartoum on 1 February 2018. The whereabouts of these men, along with roughly 40 others, is unknown. They have had no access to counsel or family and they have not been formally charged. The [LRWC letter of 4 April 2018](#) (Joe Hoffer) calls on Sudan to immediately disclose the fate and whereabouts of the three lawyers and make public the reasons for their continued detention.

Over 50 critics released without charge

The government of Sudan released 56 opposition party members and human rights defenders without charge on 10 April 2018. Those released include Omer Yousef El Digair, the chairperson of the Sudanese Congress Party (SCP), Almahi Suliman, the chairperson of SCP in Sennar State, Mohamed Mukhtar al Khatib, the political secretary of the Sudanese Communist Party, Mohamed Farouk Salman, a leading member of Sudan National Alliance – Forces, Mohieldeen Eljalad and Sidgi Kaballo, members of the Sudanese Communist Party’s central committee, Ismail Adam Hamid, a political activist, Amjed Farid, a medical doctor and human rights defender, Omer Ushari, a human rights defender, Salih Mahmoud



Salih Mahmoud Osman

Osman, a human rights defender and Vice-Chairperson of the Darfur Bar Association and Khalid Omer Yousif, the acting chairperson of the SCP who was appointed after Omer Yousef’s arrest. Five other detainees arrested under the same circumstances as the 56 were released earlier in March. For nearly three months, they were held in poor prison conditions. According to some of those released, detainees were housed 20 to a metre cell, no access to lawyers, books or any reading materials (except for the last week of their detention), and visits with family were restricted to 30 minutes of supervised visits every two weeks. Additionally, during these family visits, discussion of politics and prison conditions was prohibited. LRWC sent a [letter on 19 March 2016](#) (Joe Hoffer) calling for the release of some of these people.

Justice for Noura and her legal defence team

Noura Hussein is a Sudanese teenager who was imprisoned in Omdurman after fatally stabbing her husband, for allegedly raping her while relatives held her down. Her subsequent death sentence has attracted international outrage. On 16 May 2018, NISS officials visited the office of lead defence lawyer Adil Mohamed Al-Imam and ordered him to cancel a scheduled press briefing session about the case. Intimidation by the NISS, together with the forced cancellation of the press conference, is a substantial interference with the right of Noura Hussein’s legal defence team to inform the public about the status of a client in detention and to communicate publically about matters involving gender abuse in Sudan. On 18 May 2018, LRWC (Joe Hoffer) wrote [a letter](#) to the government of Sudan asking for the immediate cessation of harassment and intimidation of Adil Mohamed Al-Imam and other members of Noura Hussein’s legal defence team.



UN HUMAN RIGHTS COUNCIL PARTICIPATION

LRWC filed two reports for consideration at the 38th Session of the HRC 18 June – 6 July 2018:

- [China: Human rights advocates suffer detention, ill-treatment and trials in violation of international law](#), prepared by Catherine Morris and Gail Davidson using materials prepared by Maree Bullivant and Jing Song.
- [Turkey: The situation of lawyers and human rights defenders in Turkey since July 2016](#), prepared by Catherine Morris and Gail Davidson using materials prepared by Carolyn McCool.

ANNUAL GENERAL MEETING – 27 APRIL 2018

The Annual General Meeting of Lawyers' Rights Watch Canada and Lawyers' Rights Watch (Legal Research) Canada was held on Friday, 27 April 2018. We welcome those elected to serve until 1 May 2019: as Directors of LRWC - Marjorie Cohn, Gail Davidson, Julius Grey, Monia Mazigh, Leo McGrady Q.C., Paul Schabas, David F. Sutherland Q.C., Isabel Stramwasser and Grace Woo; and as Directors of LR - Clive Ansley, Joshua Lam, Gavin Magrath, Renée Mulligan, Margaret (Peggy) Stanier, Brian Samuels, Angela Walker, and Maureen Webb. Thanks to outgoing Directors Maya Duvage and Vani Selvarajah (LR) and Carolyn McCool (LRWC).

MEMBERS WORKING PRO BONO DURING APRIL-MAY 2018

Clive Ansley, Hanna Bokhari, Temisan Boyo, Maree Bullivant, Pinder Cheema Q.C., Thuy-Dan Dang, Gail Davidson, Joe Hoffer, Joshua Lam, Robert Lapper Q.C., Carolyn McCool, Catherine Morris, Renée Mulligan, Heather Neun, Megan Presnail, Brian Samuels, Jing Song, Peggy Stanier, David Sutherland Q.C., Luiza Teixeira, Melissa Tessler, Grace Woo.

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

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