

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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May 2010

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*Human Rights and Rule of Law: Fantasies and Realities*

*October 16, 2010, Vancouver & Toronto*

### Letters for Lawyers

**Canada:** On May 6, 2010 LRWC (Isabel Stramwasser) called for the resignation of Senator Nancy Ruth following Senator Ruth's demand to women's groups to "Shut the f--- up," and threat "If you push there'll be more backlash," when asked about the government's plans to cut funding to international programs that educate women about abortion and help provide access to safe abortions.

**Mexico:** Beatriz Alberta Carino Trujillo, Director of Mexican human rights organization CACTUS and Finnish citizen and human rights observer Jyri Antero Jaakkola were killed near San Juan Copala, Oaxaca when armed men ambushed an international caravan of over 40 human rights defenders. LRWC's May 5, 2010 letter (Cara Gibbons and Alyssa Briereley) condemned the attacks and called for investigations and prosecutions.

The Tlachinollan Human Rights Centre, a group of human rights lawyers representing indigenous human rights defenders under attack, thanked LRWC Mexico Monitor Cara Gibbons for her April 2010 letter on behalf of their client Raul Hernandez and asked for permission to distribute the letter. Ms Gibbons met with these lawyers during the BHRC sponsored investigative trip to Mexico November 29-December 5, 2009 by lawyers from Canada, U.S., U.K., Germany and Ireland. In June, LRWC will file *amicus curiae* brief in support of claims advanced by one of these lawyers' clients before the Inter-American Court of Human Rights. LRWC wrote a letter on behalf of the lawyers themselves last year.

**Philippines:** On the Remigio Saladero case LRWC (Jessica Fletcher & Constance Marlatte) sent another letter on May 5 2010 urging authorities to stay additional murder charges against human rights lawyer Remigio Saladero. LRWC views the current charges and those already dismissed as politically motivated, not supported by evidence and intended to punish Mr. Saladero for his able representation of cases exposing human rights violations. Mr. Saladero wrote, "The letters you previously sent probably helped convince the Prosecutor about our innocence...your support and that of the LRWC have kept me going. Thanks to all of you for the assistance you have extended on my case!" LRWC sent letters June 4, July 10 and November 9 2009, and May 5, 2010.

On the case involving the arrest of 43 health care workers, Canadian Ambassador to the Philippines Robert Desjardins advised—in response LRWC's February 2010 letter—that DFAIT was monitoring the situation and had raised the issue with Philippine authorities. The Canadian contingent of the People's International Observers' Mission (PIOM) met with Ambassador Desjardins on this and other issues.

**Rwanda:** Peter Erlinder, U.S. criminal defence attorney, law professor and past president of the National Lawyers Guild was arrested in when he arrived in Rwanda to represent his client who is running for president in the August election. Mr. Erlinder's client faces charges under the 2008 *Law Relating to the Punishment of the Crime of Genocide Ideology* (Genocide Ideology Law). LRWC (Brian Y. K. Cheng, John Cotter & Gail Davidson) sent a letter May 31, 2010 challenging the legality of Mr. Erlinder's arrest and any charges against him.

**Spain:** In 2008 Judge Baltasar Garzón—renowned by victims as a fearless champion of justice and feared by perpetrators as dangerously independent of perpetrators—opened an investigation into over 100,000 enforced disappearances and extra-judicial executions committed during the Spanish Civil War and the Franco dictatorship. Garzón terminated the investigation when his decision to investigate was appealed. Following complaints by groups opposed to the investigation, Judge Garzón was criminally charged and suspended from his duties as a judge. The charges are based on allegations that by opening the investigation, Judge Garzón wilfully ignored the provisions of an amnesty law enacted by Spain in 1977 in the course of the transition to democracy following Franco's death. LRWC filed a report with the UN HRC and a complaint with several Special Rapporteurs and working groups ([see below](#)). LRWC maintains that Spain's actions against Judge Garzón violate judicial independence and that as state sponsored disappearances and executions are amongst the most serious international crimes, defined as continuing until the full particulars of the fate of victims is known. Amnesty laws are incompetent to prevent investigations of or prosecutions for state sponsored enforced disappearances and extra-judicial executions.

**UN Human Rights Council (HRC):** LRWC, along with other NGOs, endorsed the Asian Legal Resources Centre (ALRC) letters to the HRC requiring specific improvements in both ratification of core international human rights instruments and in domestic recognition of human rights by Thailand, Uganda and Libya before these states have a seat on the HRC.

## **UN Human Rights Council 14<sup>th</sup> Session May 31 – June 18<sup>th</sup> in Geneva**

### **Written Statements**

LRWC filed two written statements for consideration at the 14<sup>th</sup> Session of the HRC:

- a) *Statement on Behalf of Judge Baltasar Garzón & Judicial Independence* (<http://www.alrc.net/doc/mainfile.php/hrc14/613/>). This statement was produced by LRWC, joined by ALRC and supported by the European Center for Constitutional and Human Rights.
- b) *Statement MYANMAR: The absence of minimum conditions for elections* (<http://www.alrc.net/doc/mainfile.php/hrc14/611/>). This statement on the Burma election was produced by ALRC and joined by LRWC. ALRC is entitled to file 2,000-word written statements as an NGO with general consultative status: LRWC, as an NGO with special consultative status is entitled to file 1,500-word statements.

LRWC produced a *Formal Communication for Consideration and Action Re: Judge Baltasar Garzón* which was endorsed by ten other international NGOs: the European Center for Constitutional and Human Rights (ECCHR), the Asian Legal Resource Centre (ALRC), Lawyers Without Borders Canada (LWBC), the Center for Constitutional Rights (CCR), the International Federation for Human Rights (FIDH), the World Organisation Against Torture (OMCT), the National Lawyers Guild (NLG), the International Association of Democratic Lawyers (IADL) and Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH). LRWC is proud to acknowledge that amongst these ten are two of the biggest human rights NGOs in the world (FIDH & OMCT) and two of the most influential in terms of human rights litigation (CCR & ECCHR).

The May 20<sup>th</sup> request for action was addressed to U.N. Special Rapporteurs concerned with judicial independence, torture, extra-judicial executions, and the protection of human rights, as well as to HRC Working Groups on enforced disappearance and arbitrary detention. After receiving the complaint, the

UN Working Group on enforced disappearances made a public statement expressing concern with Spain's actions. The written statement and the complaint were written by Gail Davidson and based on research by Gail Davidson, Diane Tourell and Matthew Stacey's 2009 article, *States' Duty to Investigate Extra-Judicial Killings*. The complaint and press release are at <http://ccrjustice.org/newsroom/press-releases/international-legal-and-human-rights-groups-petition-un-support-spanish-judg>.  
<http://www.lrwc.org/documents/Garzon.UA.to.SRs.LRWC.ECCHR.ALRC.LWBC.CCR.FIDH.NLG.IADL.OCMT.AEDIDH.May.2010.doc.pdf>.

### **HRC Parallel Event, June 3, 2010 in Geneva**

LRWC and our Dutch partners Lawyers for Lawyers (L4L) are co-hosting an event on June 3, 2010 in Geneva on *Attacks on Lawyers, Judges and Human Rights Defenders: The Urgent Need for Protective Measures*. The International Commission of Jurists and the Dutch Judges for Judges have joined as co-sponsors. Featured speakers include Gabriela Albuquerque, SR on the independence of judges and lawyers and judges from the Philippines and Colombia. The purpose of the event is to bring NGOs together to discuss and plan for the creation of a global NGO network to provide protective measures on a first response basis to human rights defenders in danger. The poster and backgrounder for the event are at: <http://www.lrwc.org/documents/Flyer%20Protective%20Measures%20Side-event%203%20June%202010.pdf>.

### **HRC Attendance**

Isabel Stramwasser is attending the 14<sup>th</sup> session of the HRC in Geneva from May 31-June 4 and Hugh Gwillim is attending from June 9 – 14<sup>th</sup>. Isabel will seek to make an oral presentation on the Judge Garzón case and Hugh will seek to make an oral presentation on the Universal Periodic Review of Iran. Isabel, a Vancouver based lawyer, has served on the LRWC board and is one of the LRWC Guatemala monitors. Hugh is a Victoria based lawyer and one of our Iran monitors. Isabel will attend the June 3rd Protective Measures event. Both Isabel and Hugh will be promoting the creation of a global NGO network to provide protective measures and gathering support on the Garzón case as well as meeting with NGOs and UN officials.

### **Education**

Clive Ansley, LRWC Director and China monitor was a featured speaker at an information event for Members of Parliament on Chinese Courts, *Human Rights and Rule of Law: Fantasies and Realities*. The event, held on May 5, 2010 in the Parliament buildings, was sponsored by Members of Parliament Scott Reid, Irwin Cotler, Wayne Marston and Jean Dorion. Other speakers were David Kilgour, M.P. and former China prisoner of conscience Lizhi He.

### **Upcoming LRWC Meeting – Saturday, October 16<sup>th</sup>, 2010**

Plan to come our October 16th 2010 meeting for members and supporters. Meetings will be held simultaneously in Toronto and Vancouver and linked by videoconference. Let us know if you want to be billeted in Vancouver or Toronto.

Visit LRWC at [www.lrwc.org](http://www.lrwc.org) and on [Facebook](#) and [Twitter](#)!

### **Defend Defenders around the world by becoming a monthly donor to LRWC**

- Fees and donations can be made by cheque or through PayPal (fees & one-time donations) or Canada Helps (one time and monthly donations). Both are linked through [lrwc.org](http://www.lrwc.org)
- Monthly donations increase LRWC's ability both to respond quickly and plan ahead.
- Airline points donated to LRWC qualify as a tax-deductible donation!
- Donations made by December 31, 2010 are eligible for a 2010 charitable tax receipt.

LRWC is funded entirely by members and private donors.

*Thanks for your support.*

