

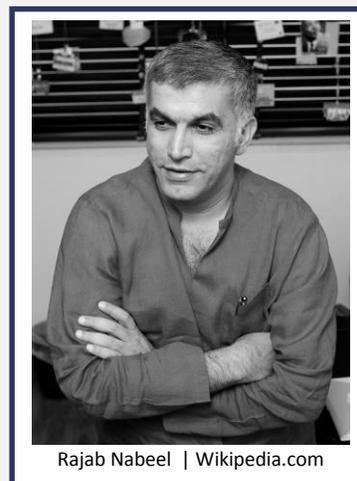
LRWC NEWSLETTER

November 2013 Edition

LRWC ACTION NEWS

BAHRAIN

➤ **Arbitrary Detention of Rajab Nabeel:** The UN Working Group on Arbitrary Detention (WGAD) has concluded that the detention of Nabeel Rajab violates articles 9.1, 14, 21 and 22 of the International Convention on Civil and Political Rights and is arbitrary. The WGAD opinion, ([A/HRC/WGAD/2013/12](#)) made 25 July 2013 and released this month, found that although the prosecution followed Bahrain law it violated Mr. Rajab's rights to expression, assembly and association. The WGAD recommended the Government of Bahrain to release Mr. Rajab and provide him with compensation. The decision was made in response to the petition filed in August 2012 by FIDH. He was eligible for release under Bahraini law on 29 November when he had served two-thirds of his sentence. LRWC has called for the [release of Nabeel Rajab](#) and [submitted analyses](#) of Bahrain laws that violate protected rights to assembly and association. Other LRWC letters and statements on these issues in Bahrain can be accessed [online](#).



BANGLADESH

➤ **Human rights defender released on bail**



On 24 November, ASM Nasiruddin Elan, Director of Odhikar, was given six-months ad interim bail. Mr. Elan had been held in Kashimpur jail since 6 November when he was arrested and his plea for bail at the time rejected. The charges against ASM Nasiruddin Elan arise after Odhikar published a report on the killing of 61 people during an operation carried out on 5-6 May 2013 by security forces against Hefazat-e-Islam activists in Dhaka. The same report resulted in the [arrest and lengthy](#) detention of Odhikar Secretary Mr. Adilur Rahman Khan who spent more than two months in jail before being released on bail. ASM Nasiruddin Elan is accused of contravening both the Communication

Technology Act and the Penal Code by allegedly “distort(ing) images by using photo shop and publishing a fabricated report, which enraged public sentiment”. LRWC sent a [letter](#) on 14 November 2013 requesting release and withdrawal of charges.

CAMBODIA

➤ **Violence at Garment Workers’ Protest:** On 12 November 2013, police used unnecessary and indiscriminate force to quell a protest at Stung Meanchey, killing one bystander and seriously injuring several protesters. Approximately 600 garment workers and their supporters attempted a peaceful march to the Prime Minister’s home but were blocked by armed police officers, barricades and fire trucks. Protesters tried to break through the barricade, and the protest expanded to include local residents, many of whom threw rocks and debris at police. Police used tear gas, water cannons and rubber bullets and were seen firing live ammunition at the crowd using automatic weapons and handguns. LRWC’s [14 November 2013 letter](#) condemned police violence, called for implementation and police training in the UN Basic Principles governing Law enforcement officials and called for an independent investigation. The [Cambodia Daily](#) news reported on LRWC’s letter on 16 November 2013.



Police beat detained youth at SL Garment Factory protest 12 November 2013. Photo courtesy of LICADHO

➤ **Yorm Bopha’s conviction vacated and release ordered**

LRWC submitted an [amicus brief](#) to the Cambodian Supreme Court regarding human rights defender Ms. Yorm Bopha. The brief outlined a number of irregularities in lower courts’ proceedings and findings, including violations of rights to liberty, the presumption of innocence and pre-trial release under the Universal Declaration of Human Rights and Cambodia’s Constitution and laws. Ms. Yorm Bopha was convicted on fabricated charges in flawed proceedings first before the Municipal and then the Appeal Court. The LRWC brief was translated into Khmer and is available [here](#). The Supreme Court, on 22 November 2013, ruled that the written reasons of the lower courts did not respond to challenges by the defendants and that there was



Yorm Bopha | photo by Jenny Holligan

not enough evidence to convict Yorm Bopha and her husband. Yet, the Supreme Court did not acquit Yorm Bopha but ordered that her case be reinvestigated by the Appeal Court. The Court granted her pre-trial release pending the Appeal Court hearing. On 15 November, a week prior to the hearing, two LRWC members visited Yorm Bopha at Phnom Penh’s Police Judicaire prison where she had been jailed for more than a year. Several diplomatic missions sent observers to the Supreme Court hearing, including Sweden, Germany and the UK. Canada’s Minister of Foreign Affairs, John Baird, sent LRWC an email stating that, “Canada uses every available opportunity to raise human rights issues with Cambodian authorities”; however, no examples of recent activity were provided.

➤ **WGAD recommends release and compensation of Yorm Bopha**

Detention of Yorm Bopha arbitrary: The WGAD in the opinion released 29 November 2013 ([A/HRC/WGAD/2013/](#)), found that Yorm Bopha’s detention was arbitrary under category II (arising from the exercise of rights protected by the UDHR articles 7, 13, 4, 18, 19, 20 and 21) and recommended

release and compensation. The opinion was rendered in response to the petition filed by LRWC in August 2013. The facts recorded in the [LRWC petition](#) were prepared using news reports and reports from human rights organizations and in consultation with lawyers and human rights organizations in Cambodia.

SUDAN

➤ **Lawyer released**

Adam Sharief, Coordinator of Darfur Bar Association, was released from jail 30 October. Mr. Sharief was arrested 26 September 2013 and held incommunicado without charges. LRWC [sent a letter](#) decrying his treatment and calling for his release.

TURKEY

➤ **Lawyer faces criminal charges for words spoken in court:** LRWC colleague, lawyer Ramazan Demir, has been criminally charged as a result of comments made in court during the representation of a client. Mr. Demir represents journalists and lawyers prosecuted for allegedly being members of, or connected to the KCK. Charges of ‘insulting or offending the dignity of a public authority in the performance of his duties’ were laid after Mr. Demir asked the court to hear expert evidence—to refute or support the submissions of the prosecutor—on the normal activities of independent journalists. Lawyers for Lawyers, LRWC and Fair Trial Watch [sent a letter](#) calling for withdrawal of these charges that contravene international rights to provide and receive vigorous legal representation. The joint letter was sent to the President of Turkey and to the Prime Minister, Ministers of Justice, Foreign Affairs and EU Affairs, the Council of Europe Commissioner for Human Rights, UN Special Rapporteurs on the Independence of Lawyers and Judges, on the promotion and protection of the right to freedom of opinion and expression and on the situation of human rights defenders, and to diplomatic officials. LRWC is preparing a report on international law recognition of absolute privilege and its scope in civil law systems.

➤ **Mass Trial of 46 lawyers, three law office employees and one journalist.** LRWC plans to submit a petition to the WGAD on behalf of the 15 lawyers still in pre-trial detention after two years. Efforts were put on hold when LRWC research indicated that a petition could put at risk the jurisdiction of the European Court of Human Rights to hear a similar complaint.

VIETNAM

➤ **WGAD recommends release, fair trial and reparation for Le Quoc Quan**

In an opinion released 29 November 2013 ([A/HRC/WGAD/2013](#)), the WGAD recommended that the Government of Viet Nam immediately release Le Quoc Quan or ensure a trial conducted in strict compliance with ICCPR requirements and provide reparation. The WGAD conducted a review of the Le Quoc Quan case in response to the petition submitted by LRWC and 11 other NGOs in June 2013. The NGO group, which was led by the UK-based Media Legal Defence Initiative, also provided the WGAD with a response to the reply from the Government of Viet Nam (30 August) and an update (11 October) following the trial. On review of the petition and other submissions, the WGAD concluded that the imprisonment of Le Quoc Quan contravened articles 9 and 10 of the UDHR and articles 9 and 14 of the ICCPR and was therefore arbitrary under category



Le Quoc Quan | online.wsj.com

III. Deprivation of liberty is considered arbitrary under category III where there has been grave non-observance of international the international fair trial norms established by UDHR and other applicable instruments. The WGAD observed, “given Mr. Quan’s history as a human rights defender and blogger, the real purpose of the detention and prosecution might eventually be to punish him for exercising his right [to freedom of expression] and to deter others from doing so.”

Prior to release of the WGAD opinion, LRWC and other members of the NGO group prepared a letter for submission at the appeal from conviction and sentence which was expected to be heard in November. The letter was sent to a variety of Viet Nam authorities. Enclosed with the letter was the LRWC [report](#): *Statement Regarding the Matter of Mr. Le Quoc Quan and the Government of the Socialist Republic of Viet Nam: Violation of Rights to Pre-trial Release*. The lengthy LRWC report details the rights to pre-trial release under international law of Le Quoc Quan and others deprived of liberty in Viet Nam. This report addresses the failure of the Government of Viet Nam to ensure Mr. Quan’s right to freedom from arbitrary arrest and detention and his right to a remedy and reparation for suffering caused by his unlawful detention. Mr. Le Quoc Quan is lawyer, disbarred for his human rights activities. Since 2005 he has been an active blogger, writing for the BBC and many online newspapers, in which he has been critical of the current political regime and human rights abuses and lack of political freedom in Viet Nam.

LRWC, L4L and the Law Society of England and Wales prepared an [update](#) on the Le Quoc Quan case for distribution the Universal Periodic Review Pre-Session on 27 November in Geneva. A representative from a Geneva-based NGO attended the session on our behalf.

ZIMBABWE

➤ Lawyer acquitted

Beatrice Mtetwa was acquitted after lengthy proceedings. The prosecution alleged that by asking police to produce authorization to search her client’s premises, she had ‘defeated or obstructed the course of justice’ contrary to Section 184 (1) (g) of the Criminal Law (Codification and Reform) Act. Ms Mtetwa, a senior human rights lawyer, was arrested at the scene in March and released after eight days on \$500 bail. The allegations against her revealed no acts or omissions that could reasonably be considered criminal and were based solely on words spoken and acts done in the proper representation of a client. LRWC characterized the prosecution as illegitimate and called first for her release, and then for the withdrawal of charges in [letters sent](#) 20 March, 13 June and 7 November.



UPCOMING EDUCATION EVENTS

❖ THE OMAR KHADR CASE: A REALITY CHECK

Thursday December 5, 2013, 7 – 9 PM, Room 1700, Simon Fraser Harbour Centre, 515 West Hastings Street, Vancouver.

Dennis Edney Q.C. will explain the US appeal from the Guantánamo Bay ‘conviction’ of Omar Khadr. In October 2010, Omar Khadr accepted a get-out-of-jail plea bargain offered by the U.S. after eight years of illegal imprisonment, torture and other prohibited treatment and denial of due process. Edney will examine the facts and the law ignored by the Guantánamo Bay Military Commission and

explain why the conviction of Omar Khadr is itself a war crime and must be overturned. The charges against Khadr were not pre-existing crimes but were created after his arrest as was the "unlawful enemy designation". Omar Khadr has never been tried by a "regularly constituted court providing all the judicial guarantees which are recognized as indispensable by civilized people." (Art. 3 Geneva Conventions) Dennis Edney Q.C. is a Bencher of the Law Society of Alberta and has received a number of awards for his legal work.



❖ **CONSENT OR CONSULTATION: EXAMINING THE CONFLICT**

Thursday January 30, 2014, 7:00 – 8:30 pm, Alice MacKay room of the Vancouver Public Library, 350 West Georgia St. Vancouver. Admission is free.

The Supreme Court of Canada recognizes the duty to consult First Nations on issues affecting their rights. The UN Declaration on the Rights of Indigenous Peoples recognizes the right to free, prior and informed consent. Grand Chief Edward John will examine this conflict between Canadian and international law. Grand Chief John is a lawyer, Hereditary Chief of Tl'azt'en Nation and the North American Representative to the UN Permanent Forum on Indigenous Issues. Chief John has two honorary Doctor of Laws degree from the Universities of Northern B.C. and Victoria.



Grand Chief Edward John

This talk is the first in the First Nations Rights: The Gap Between Law and Practice – 2014 series. Other talks are scheduled at the Vancouver Public Library for 20 February, 3 April and 1 May. The talks are again co-sponsored by LRWC, the Hul'qumi'num Treaty Group and Amnesty Canada.

❖ **SAVAGE ANXIETIES: THE INVENTION OF WESTERN CIVILIZATION**

The [video of Savage Anxieties](#): The Invention of Western Civilization, the amazing talk by Robert Williams on 9 May 2013 is now available. The podcast and the power point accompanying Professor Williams' talk are also available on the LRWC website.

❖ **INTERNATIONAL CONFERENCE ON TORTURE**

LRWC Director Clive Ansley attended the 2nd Asian Alliance against Torture and Ill-treatment Conference of Asian Parliamentarians in Hong Kong 11 – 13 November 2013. The conference is hosted by the Asian Legal Resource Centre and DIGNITY – Copenhagen. Following the conference, the Asian Legal Resource Centre launched a bi-monthly publication, [Torture: Asian and Global Perspectives](#) to enhance opposition to torture and discourse between anti-torture advocacy groups. A full report will be available in January.

DONATIONS

PLEASE GIVE GENEROUSLY TO SECURE JUSTICE.

Your donations helped free three people this month alone!

Significant progress on cases around the world supported by LRWC work seen this month included: one lawyer acquitted; one lawyer released; a conviction vacated; two human rights defenders released; two decisions of the WGAD recommending release and reparation.

Donations received or dated, on or before 31 December 2013 qualify for a charitable tax receipt for the 2013 year. LRWC membership fees for 2014 are due on 1 January 2014.

- 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!

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