

LRWC NEWSLETTER

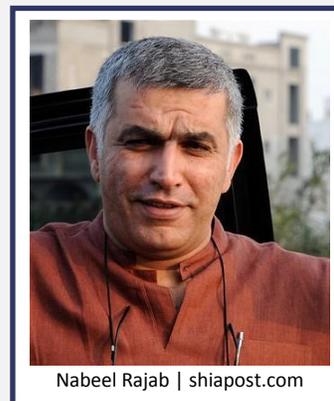
October 2014 Edition

LRWC ACTION NEWS

BAHRAIN

Arbitrary detention of Nabeel Rajab continues

Nabeel Rajab, one of Bahrain's most prominent human rights defenders, was arrested and charged with criminal defamation based on an alleged tweet suggesting that the Ministry of the Interior encouraged the use of violence. If convicted he could be sentenced to an additional three years in prison. Rajab was arrested four months after completion of a two-year sentence that the UN Working Group on Arbitrary Detention had determined was arbitrary having resulted from violations of his internationally protected rights to expression, association and assembly. The WGAD recommendation for release and compensation was ignored by the Government of Bahrain. [LRWC's 10 October letter](#) details some violations of international law triggered by the current prosecution, including the use of criminal defamation law to punish free expression and the denial of pre-trial release, the presumption of innocence and adequate time to prepare a defence. The case is before the court on 20 October.



Nabeel Rajab | shiapost.com

International Community asked to condemn violations

Forty organizations including LRWC published a statement calling on the international community to urge the government of Bahrain to end and remedy its illegal treatment of human rights defenders. Bahrain persists in using criminal law powers to imprison government critics through politically motivated prosecutions, arbitrary detentions, unfair trials and lengthy sentences of imprisonment. Criminal charges are invariably based on the peaceful exercise of internationally protected rights to expression, association, assembly and participation in public affairs. The joint statement recommends the withdrawal of all such charges and the immediate release of Nabeel Rajab, Abdulhadi Al-Khawaja, Zainab Al-Khawaja, Ghada Jamsheer, Naji Fateel, Dr. Abduljalil Al-Singace, Nader Abdul Emam and all those detained for expressing their right to freedom of expression and assembly peacefully. The [28 October 2014 joint statement](#) is available in English and Arabic.

Possible investigation and prosecution of Bahrain officials

The European Centre for Constitutional and Human Rights (ECCHR) has filed an advisory opinion asking the Bahrain Independent Commission to investigate allegations crimes against humanity by members of the Bahrain security forces in March 2011. In England, the divisional court confirmed withdrawal by the Director of Public Prosecutions of the decision that Bahraini Prince Nasser bin Hamad Al-Khalifa is immune from prosecution in the U.K. for torture. ECCHR reports, “[t]his decision opens the door to an investigation by the metropolitan police War Crimes Team SO15 into allegations that the prince was involved in the torture of political prisoners, and a possible prosecution.”



CANADA

Joint letter opposing proposed amendments to the Societies Act in BC

Fifty-seven BC-based organizations, including LRWC, published [a statement](#) expressing concern that section 99 of the draft B.C. Societies Act contained in the [Societies White Paper](#) would threaten the ability of BC societies to act in furtherance of their purposes. The impugned section would allow members of the public to apply for a court ruling that a society was “carrying on activities that are detrimental to the public interest” and empower the court to make a wide range of orders including compensation for the aggrieved party and dissolution of the society. Societies are not required by law to serve any public purpose other than being non-profit and the proposed changes contain no definition of public purpose.

Trinity Western University (TWU) not an approved faculty of law – Law Society of BC



On 31 October, Benchers of the Law Society of BC (LSBC) voted (25 for, 1 against, 4 absentions) to pass a resolution that “[t]he Benchers declare, pursuant to Law Society Rule 2-27 (4.1), that Trinity Western University is not an approved faculty of law.” The results of a referendum indicating that LSBC members had approved by a majority of 74% a direction to the Benchers in those terms, had been released 30 October. .

The controversy arises from admission and discipline policies of the proposed TWU law school that would discriminate on the basis of sexual orientation. TWU claims the *Charter*, which prohibits discrimination on the basis or sexual orientation, doesn’t apply to private universities and that, in any event, religious freedom rights entitle TWU to discriminate. In December 2013 the Federation of Law Societies granted preliminary approval to the law school proposed by TWU. Pursuant to the Law Society Rules, once the Federation grants approval to a proposed law school, it becomes an approved faculty of law for the purpose of admission into PLTC unless Benchers pass a resolution declaring that the law school is not approved. In April 2014 LSBC Benchers voted against a resolution declaring TWU to not be an approved faculty of law. On 10 June 2014 at the Special Meeting of the LSBC called in response to the April decision, a majority of LSBC members (77% of votes cast) approved a motion directing Benchers to “declare that the proposed law school at Trinity Western University is not an approved faculty of law for the purpose of the Law Society's admissions program.”

Although the 10 June resolution was not binding on the LSBC, section 13 of the Legal Professions Act (LPA) provides that if such a resolution was not “substantially implemented” within 12 months, 5% of members could force a referendum that would be binding if: a/ at least one-third of members voted; and, b/ two-thirds of votes cast were in favour of the resolution posed; and c/ implementation of the resolution would not breach the LSBC’s statutory duties. The section makes no provision for a referendum prior to 12 months having passed and does not permit Benchers to engage those provisions absent a written request from 5% of the membership. On 26 September, Benchers rejected a motion to implement the 10 June resolution passed by members opting instead to conduct a referendum by mail-in ballot that would allow all members to vote on the issue. Benchers also voted that implementation would not be a breach of their statutory duties. Of the 13,530 LSBC members to whom referendum ballots were mailed, 8,039 (74%) voted yes and 2,088 (26%) voted no.

At the 30 September 2014 Annual General Meeting of the LSBC, members in attendance approved a motion directing the LSBC to “require all legal education programs recognized by it for admission to the bar to provide equal opportunity without discrimination...”. The June Special Meeting and resolution were initiated by Victoria lawyer Michael Mulligan; the September motion was brought by Vancouver lawyers J.J. Camp, QC and Alison MacLennan, QC. LRWC provided submissions on the issue to the [LSBC](#) and the [Law Society of Upper Canada](#).

COLOMBIA

Legitimacy of conviction of David Ravelo Crespo questioned

LRWC joined twenty-five NGOs to publish [a statement to the Supreme Court of Justice](#) of Colombia, expressing international concern about the conviction of David Ravelo Crespo for aggravated murder and calling on the Court to carefully consider the international community's concerns in this important case. It is widely believed that Mr. Ravelo's prosecution was politically motivated, as a result of his work as a human rights defender exposing criminal wrongdoing by state and paramilitary actors. International experts have pointed to serious procedural irregularities in the prosecution and trial, that undermined the defence of Mr. Ravelo, and fell seriously short of Colombian and international legal standards. Mr. Ravelo was Secretary of the board of the Regional Corporation for the Defence of Human Rights (CREDHOS), based in Barrancabermeja, Santander. He was arrested on 14 September 2010 and sentenced 5 December 2012 to 18 years in prison.



ECUADOR

Protesters denied fair trial rights

Fifty-three people were arrested 17-20 September 2014 during anti-government protests in Quito against increased public transit costs initiated by the Frente Unitario de Trabajadores. A habeas corpus application alleging torture and other physical and psychological abuse in police custody was dismissed on 25 September. The early trial date of 2 October coupled with allegations of serious in-custody abuse seemed to preclude a fair trial. [LRWC's letter](#) called for guarantees of fair trial rights, access to counsel, protection from torture and other maltreatment and an investigation of the torture allegations. When the trial was ordered to go ahead on 2 October, all opted to plead guilty in exchange for reduced sentences.

All were sentenced to two months in prison.

INDONESIA

Two human rights lawyers under attack



Gustaf Kawer | tabloidjubi.com

Prominent human rights lawyer Gustaf Kawer is still under criminal investigation for ‘insulting a public official’ for words spoken in court in the course of defending a client. Mr. Kawer is alleged to have objected when the judge dismissed his client’s application for an adjournment and proceeded with the case in the absence of both Mr. Kawer and his client. Human rights lawyer Ms. Latifah Anum Siregar was attacked on 16 September shortly after she left court. The unknown assailant(s) injured her hand with a knife and stole her suitcase containing her laptop computer and documents related to her client’s case. Ms Siregar was in court representing an indigenous leader charged with ‘separatism’ for providing documentary film makers with information. [LRWC’s letter of 9 October](#) calls for a halt to politically motivated harassment of lawyers, a cessation of the investigation of Mr. Kawer and immediate remediation of the attack on Ms. Siregar.

IRAN

Arbitrary detention of lawyers raised at UPR pre-session

Adrie Van de Streek of Lawyers for Lawyers (L4L) attended a pre-session to the second Universal Periodic Review (UPR) of Iran on 8 October in Geneva to meet with state representatives and to ensure that issues identified in the joint L4L and LRWC report were raised during the UPR session. L4L reports that all six of the presentations by NGOs raised concerns about the safety and independence of lawyers in Iran. In March 2014 L4L and LRWC filed a joint report entitled, [Safety and Independence of Lawyers & Access to Legal Representation](#). Problems identified by the joint report included: politically motivated prosecution and imprisonment of lawyers for carrying out their legitimate work; reprisals against members of the Defenders of Human Rights Center for their human rights advocacy; denial of medical attention and access to legal counsel to imprisoned lawyers; reprisals against lawyers representing members of minority groups in cases involving the determination of rights; and, draft legislations governing the practice of law in Iran. These concerns are summarized in the Summary of the Office of the High Commissioner of Human Rights; for access to this and other reports [see here](#).

THAILAND

Thailand not elected to UN Human Rights Council

On 21 October, the UN General Assembly elected 15 new members to the 47 member UN Human Rights Council each for a term of three years. Elected were Albania and Latvia for Eastern Europe; Bangladesh, India, Indonesia and Qatar for Asia-Pacific; Bolivia, Paraguay and El Salvador for Latin American and the Caribbean; Botswana, Congo, Ghana and Nigeria for Africa; Netherlands and Portugal for Western Europe and other states. Thailand was not elected. In September LRWC distributed [a statement identifying a pattern of serious human rights](#) abuses carried out since the military take-over of the country on 22 May 2014 and outlining human rights by the military junta that seized power in May as reasons why states should not vote in favour of Thailand’s becoming a member of the Human Rights Council at this time.

Criminal defamation charge dismissed

Thailand's Prakanong Court on 29 October dismissed a criminal defamation charge against British human rights activist Andy Hall because of unlawful interrogation practices by police. Hall faces additional charges of criminal defamation and Computer Crimes as well as two civil defamation suits. All suits were initiated by the Natural Fruit Co. Ltd. in reprisal for Hall's contribution to the report *Cheap has a high price*. The report published by Finnwatch, an independent research organization focused on global corporate responsibility issues, chronicles serious labour violations against migrant workers by Natural Fruit. Trial of the remaining criminal defamation charge and the charge under the *Computer Crimes Act* is set for trial on 17 November. The case of one civil defamation suit commenced on 30 October with unsuccessful court-based settlement negotiations, and the court postponed further consideration of the civil case until after the remaining criminal verdicts in the November 17 trials have been issued. Trial of the other civil case has not yet been scheduled. LRWC has written several letters criticizing the defamation suits as an example of a corporation shielding itself from accountability for wrongdoing by initiating criminal proceedings against a person reporting on alleged wrongdoing. LRWC letters can be [viewed online](#).



Andy Hall

EDUCATION EVENTS



Sally T. Buck

Legal Aid: A Right or a Privilege? The video of this 1 October 2014 event will be available online in November featuring presentations by Lois Leslie, Michael Mulligan, Birgit Eder, Anthony Robinson, Austin Cullen, Associate Chief Justice of the Supreme Court of BC, The Honourable Anne Rowles, Retired Justice of the BC Court of Appeal. The publications are available online.

[*The Right to Legal Aid: A Guide to International Law Rights to Legal Aid*](#)

[*The Right to Legal Aid: How BC's Legal Aid System Fails to Comply with International Law Obligations.*](#)

LRWC MEMBERS CONTRIBUTING PRO BONO IN OCTOBER

Thank you to LRWC members and volunteers working *pro-bono* during October on letters, research, writing, education, investigations and advocacy: Lisa Barret, Marion Caussanel, Raymond Chong, Kathleen Copps Gail Davidson, Mojdeh Ferdosian, Lois Leslie, Ed Levy, William Liaw, Carolyn McCool, Catherine Morris, Heather Neun, Randy Robinson, Isabel Stramwasser, David F. Sutherland, Luiza Teixeira and Grace Woo. Thanks also to Michael Mulligan, Austin Cullen, Associate Chief Justice of the Supreme Court of BC, The Honourable Anne Rowles, Retired Justice of the BC Court of Appeal, Birgit Eder and Anthony Robinson for their valuable contributions to the "Legal Aid: A Right or a Privilege" event.

LRWC AIRMILES

Ways to Collect:

- Ask us for a LRWC Airmiles card and use it to collect miles from participating vendors.
- Contact us to receive YOUR card today (lrwc@portal.org, 604-738-0338).
- Ask for our barcode and scan it at participating vendors.

Ways to Donate:

- Transfer Airmiles from your account to LRWC by calling 1-888-247-6453.
- LRWC's account is 8008-979-6800.



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