

LRWC NEWSLETTER

December 2018-January 2019 Edition

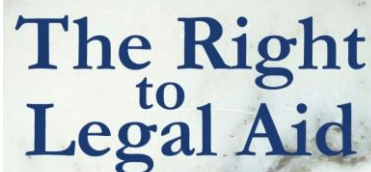
LRWC ACTION NEWS and UPDATES

CANADA

Legal Aid in BC falls short of BC's international human rights obligations

LRWC members Michael Mulligan and Catherine Morris were interviewed for a 19 December 2018 article in [Canadian Lawyer magazine](#) which cites and provides a link to LRWC's November 2018 [submission](#) (pdf) to the BC Legal Aid Services review. LRWC was cited as expressing concern that "underfunding has caused Canada to fall short of its international human rights obligations." On 18 January 2019, LRWC wrote a letter to the Association of Legal Aid Lawyers (A.L.L.) to indicate its support for "the collective and individual rights of A.L.L. members' and all lawyers to internationally protected freedoms of expression, association and peaceful assembly for the purposes of expressing and advocating their positions on legal aid in BC." LRWC recommended that A.L.L.'s advocacy identify the minimum acceptable standards for provision of legal aid in BC, including that "British Columbia is obliged at international law to set up and fund a legal aid system that ensures:

- Access to legal aid as a right and a necessary component of rights to equality and the equal protection of the law;
- Competent, independent legal representation for litigants who cannot afford a lawyer in criminal, civil, immigration and administrative cases where legal representation is indispensable to a full, fair and equal determination of criminal charges and/or rights;
- That the body administering the provision of legal aid is independent from government in all decision-making related to legal aid and free from political interference; and
- That to ensure the competence, equality and independence required by international law, counsel retained on legal aid must be fairly and reasonably compensated and the body providing legal aid must be adequately resourced and have its mandate and independence defined by Statute."



The Right
to
Legal Aid

Committee Against Torture rebukes Canada for failing to provide full redress to Omar Khadr

The Committee Against Torture (CAT) concluded that Canada failed to comply with Convention duties to provide full redress to Omar Khadr in the form of:

- Investigation and criminal prosecution;
- Verification of the facts and full and public disclosure of the truth; and,
- An official declaration or judicial decision restoring the dignity, reputation and rights of the victim.

CAT has asked Canada to provide an addition report on these matters by 7 December 2019. In addition CAT ‘regrets’ that Canada continues to fail to provide adequate training about Convention duties and how to detect, prevent and treat torture and other ill-treatment for law enforcement official, judges, prosecutors, forensic doctors and medical personnel. LRWC and the International Civil Liberties Group filed a [Joint Report](#) detailing Canada’s failure to provide the full redress to Omar Khadr as a follow-up of their [2012 Report](#). LRWC will continue to monitor compliance.



CHINA

Global civil society calls for release of student activists and workers

On 9 and 11 November, only days after China underwent a UN review on its human rights situation, Chinese authorities carried out a massive crackdown, forcibly disappearing student activists in five cities across the country. The students have not had any contact with lawyers or family members, and no charges have been laid. The missing activists are supporters of workers at Jasic Technologies, who have been fighting for their rights to unionize since May 2018.



Four of the workers were taken into police custody in July 2018, where they have been charged with ‘gathering a crowd to disturb social order.’ On 18 December 2018, civil society organizations around the world, including LRWC, released [a letter](#) calling on Chinese authorities to immediately and unconditionally release all workers and student activists and to end the harassment against those who fight to defend human rights.

NGOs call for Human Rights Council resolution to address grave rights abuses

LRWC joined 35 other civil society organizations in an [Open Letter](#) (30 January 2019) that calls States to hold China accountable to its international human rights obligations and on the Human Rights Council to pass a resolution to address widespread and systematic human rights abuses in China. Civil society groups say Council’s resolution and State advocacy should be directed at ensuring: a/ access by independent human rights experts; b/ an end to criminalization of internationally protected rights through use of national security laws; c/ the release of arbitrarily detained people; and, d/ support for the OHCHR and the UN Country team to monitor and report on abuses.



Photo: Human Rights Watch



Wang Quanzhang
Photo: Frontline Defenders

Human rights lawyer Wang Quanzhang sentenced

Mr. Wang Quanzhang, a prominent human rights lawyer who takes on sensitive human rights and land rights cases, including representing Falung Gong members, was sentenced on 28 January 2019. The Tianjin Municipal No 2 Intermediate People’s Court found Mr. Wang Quanzhang guilty of “subversion of State power” and he received a sentence of 4.5 years in prison, and 5 years of deprivation of political rights. Mr. Wang Quanzhang was arrested in August 2015, and was repeatedly denied access to his lawyers and his wife. He was reportedly tortured and subject to ill-treatment during his incommunicado detention.

COLOMBIA

Threats against lawyer Daniel Prado Albarracin



Daniel Prado
Photo: PBI Colombia

LRWC is gravely concerned for the safety of lawyer Daniel Prado Albarracin, who currently represents the victims of crimes committed by the paramilitary group "The 12 Apostles". The Attorney-General's office opened investigations into the murders and disappearances committed by this group between 1988 and 1997 in the North of Antioquia. Over the course of these criminal proceedings, Mr. Prado has been subjected to serious intimidation including: death threats, being followed by armed men after attending court hearings, and defamatory public statements made against him by high ranking public officials. These threats against Mr. Prado are taking place

within the context of an environment that is witnessing an increasing number of attacks against lawyers and human rights defenders in Colombia. In a [joint letter](#) dated 4 December 2018, LRWC and five other organizations are calling on the Government of Colombia to investigate the threats made against Mr. Prado and ensure his safety.

MYANMAR

Independent Investigative Mechanism to facilitate prosecutions for genocide and other crimes

In September 2018 the UN Human Rights Council passed a resolution (A/HRC/RES/39/2) to establish an Independent Investigative Mechanism to collect, preserve and analyze evidence of genocide, war crimes and crimes against humanity in Myanmar since 2011 and to prepare files to facilitate and expedite criminal proceedings. The UN General Assembly approved the [resolution \(A/RES/73/264\)](#) on 22 December 2018. The Independent International Fact-Finding Mission on Myanmar will continue work until its final report in September 2019. LRWC has advocated for prevention, investigation, prosecution and accountability for crimes against Rohingya people in oral statements to the UN Human Rights Council, open letters and statements. LRWC advocacy can be viewed on the [Myanmar page](#) of the website. LRWC made oral statement to the Human Rights Council on: [20/09/18](#) and [05/09/18](#) calling for investigation and prosecutions for genocide, war crime and crimes against humanity; and oral statements on [28/06/18](#) and [19/06/17](#) calling on states to use legal means to end violence. Other LRWC communications include: a briefing note on duties of neighbouring states (on [11/11/17](#)); a statement of duties to end violence (on [26/10/17](#)); and a letter (on [13/09/17](#)).



Photo: UN Photo/Elma Okic



Yanghee Lee
Photo: UN Photo/Evan Schneider

Military Commander-in-chief and others must be held accountable for genocide in Rakhine

UN Special Rapporteur on human rights in Myanmar, Yanghee Lee, called for accountability in Myanmar as a precondition to the return of over 700,000 Rohingyas who fled mass killings. Yanghee Lee, who is barred from Myanmar, said in Thailand, "Min Aung Hlaing [military commander-in-chief] and others should be held accountable for genocide in Rakhine and for crimes against humanity and war crimes in other parts of Myanmar."

Trial in the murder of U Ko Ni continues with final arguments set for 1 February 2019

The Yangon Northern District Court has set 1 February 2019 as the date for final arguments from the defense in the case of the murder of U Ko Ni, a legal advisor to the National League for Democracy and a constitutional expert who had written multiple books on good governance and human rights issues. U Ko Ni was shot outside the Yangon International Airport on 29 January 2017. LRWC called for an investigation and prosecution of all suspects by [letter](#) on 3 February 2017 to Myanmar authorities and in an [oral statement on 24 March 2017](#) to the UN Human Rights Council.



U Ko Ni

PAKISTAN

Pakistan charges four TLP leaders with treason and terrorism – Supreme Court acquits Bibi

In late November 2018, Khadim Hussain Rizvi, chief of Tehreek-e-Labbaik Pakistan (TLP), and three other party leaders were charged with making incendiary remarks against the judiciary and military chiefs. TLP had rallied thousands of demonstrators to call for Asia Bibi's execution after the Supreme Court on 30 October 2018 reversed her 2010 conviction and death sentence for blasphemy. The demonstrators protesting the acquittal blocked roads and burned vehicles. During the protests, Afzal Qadri, one of TLP's co-founders, also called for the murder of the Supreme Court judges who acquitted Ms. Bibi, and mutiny against the army chief. The charges against the TLP leaders demonstrate a hardening of Pakistan authorities' stance towards the TLP and perhaps towards religious intolerance. LRWC sent letters on [8 and 9 November 2018](#) advocating for Ms Bibi's safety, effective measures to



Asia Bibi

prevent and punish vigilantism and programs to promote religious tolerance. Ms Bibi's lawyer Saiful Malook had to flee to The Netherlands for safety. On 29 January 2019 a three-member panel of the Supreme Court rejected the petition challenging the court's decision to acquit Ms. Bibi. In a last ditch attempt, counsel for the petitioner called for a larger bench to conduct the review.

Canada grants asylum to Asia Bibi and family

[News reports indicate](#) that Asia Bibi has accepted Canada's offer of asylum and she and her family on their way. LRWC wrote [a compelling letter](#) (Gail Davidson) on 8 November 2018, asking the Government of Canada to provide asylum to Asia Bibi and her family and outlining the unlikelihood of her survival in Pakistan.

PHILIPPINES

Human rights lawyer Benjamin Ramos murdered

Benjamin Ramos, Secretary-General of the Negros Occidental branch of the National Union of People's Lawyers, has become the 34th lawyer killed since the election of President Duterte in May 2016. Initial police reports indicate he was shot by motorcycle-riding men near the central town of Kabankalan on 6 November 2018 and was declared dead on arrival at the hospital. Mr. Ramos worked to promote the rights of marginalized groups in the Philippines, specializing in pro bono work for clients whose families have been targeted by the police, soldiers, and death squads associated with the President's drug war. LRWC wrote a [letter](#) (Maree Bullivant and Farhad Ghaseminejad) on 29 November 2018 calling for an independent and impartial investigation into his death, and urging the Government of the Philippines to guarantee the physical and psychological integrity of all human rights defenders in the Philippines.



Benjamin Ramos

SAUDI ARABIA

Human rights experts appointed to investigate Khashoggi murder



Agnes Callamard
Photo: UN Photo/Manuel Elias

The UN Human Rights Council has appointed three experts to investigate and report on the 2 October 2018 murder of journalist Jamal Khashoggi in the Saudi consulate in Istanbul: Agnes Callamard, UN Special Rapporteur on extra-judicial, summary or arbitrary executions; British barrister Helena Kennedy Q.C.; and Dr. Duarte Nuno Vieira, pathology expert and Dean of the Faculty of Medicine, Coimbra University, Portugal. Investigators will visit Turkey 28 January – 3 February and report to Council in June 2019.

SUDAN

Protesters killed, injured and detained by state security forces

As protests against the cost of living and authoritarian government sweep across Sudan, protesters have been killed, injured, arrested and arbitrarily detained by Sudanese police and security forces. According to news reports, security forces have used excessive force to disperse unarmed protesters, including beating them with batons and firing live ammunition, rubber bullets, and teargas. Activists have reported up to 40 to 55 deaths. As part of a media crackdown, authorities have issued warrants for dozens of journalists, accusing them of “incitement and spreading fake news.” In addition, according to a motion tabled in the European Parliament, Mr. Salih Osman, a Sudanese human rights lawyer and Sakharov Prize Laureate of 2007, was arrested in his law office on 8 January 2019. Government authorities have not disclosed where he is being held. On 18 January 2019 LRWC (Temisan Boyo) [called on](#) Sudan to halt the use of excessive force against protesters, respect internationally protected rights to peacefully and forcefully voice concerns, demands and criticisms by exercising rights to expression, assembly, association and participation in public affairs. LRWC also calls for the release Mr. Salih Osman and others detained for exercising rights.



Photo: Human Rights Watch

THAILAND

Amicus Brief submitted to Thai court in criminal defamation proceedings

On 25 January 2019, the International Commission of Jurists (ICJ) and LRWC submitted a joint amicus curiae brief (in Thai) in criminal defamation proceedings. The proceedings were initiated in October 2018 by Thammakaset Company Limited (Thammakaset) against two human rights defenders, Ms. Sutharee Wannasiri and Mr. Nan Win, for reporting labour rights violations by Thammakaset. The charges are based on a short [film](#) (107 seconds in length) released by Fortify Rights in October 2017.



Sutharee Wannasiri
Photo: FIDH

The film describes criminal defamation lawsuits brought by Thammakaset against 14 of its former migrant workers from Myanmar after the workers reported labour violations to Thai authorities. The cases featured in the film were [dismissed](#) by the Court in July 2018. Mr. Nan Win was one of the migrant workers featured in the film. Ms. Sutharee Wannasiri, a former human rights specialist with Fortify Rights, is accused of making three Twitter posts about the film. The preliminary hearings of the charges are scheduled for 4 February (Mr. Nan Win) and 11 March (Ms. Sutharee Wannasiri) for court determination of whether there is a prima facie case and allowed to proceed to trial. If convicted, Mr. Nan Win faces up to four years in prison and fines of up to 400,000 Thai Baht (US\$12,100). Ms. Sutharee Wannasiri faces up to six years in prison and fines of up to 600,000 Thai

Baht (US\$18,150). Thammakaset has also brought civil defamation complaints against Sutharee Wannasiri, seeking five million Thai Baht (US\$151,400). The amicus brief points out that “the imposition of harsh penalties such as imprisonment or large fines on a human rights defender has a ‘chilling effect’ on the exercise of freedom of expression, which Thailand is bound to protect pursuant to ... international human rights treaties to which Thailand is party.” Catherine Morris authored LRWC’s contribution to the amicus brief, which can be seen [online in English and Thai](#).

TURKEY

Prosecution of Law Bureau of the Oppressed lawyers

LRWC and four other human rights organizations are calling for the withdrawal of charges against lawyers Can Tombul, Sezin Ucar, Ozlem Gumustas and Gulhan Kaya. All four work for the Law Bureau of the Oppressed (EHB) and are being punished for their legitimate activities as lawyers. Mr. Tombul represents victims and family members of the 2015 massacres in Ankara and Suruc. He also documents human rights violations in the South-East of Turkey. Mr. Tombul is charged with “membership of a terrorist organization” and he has been held in pre-trial detention since his arrest on 31 July 2018. His first hearing was 13 December 2018. The other three lawyers have represented the family of people who died in Syria while fighting the Islamic State. They are also being charged with participating in terrorist activities, and their next hearing is 14 February 2019. Ms. Ucar and Mrs. Gumustas were held in pre-trial detention from 19 October 2017 to 5 October 2018. These arrests, detentions and prosecutions form part of a wave of arrests of lawyers accused of involvement in terrorism for activities performed in their professional capacity. Since July 2016 more than 1500 lawyers have been prosecuted, 593 arrested, and 216 sentenced - 15 of them in November 2018 alone - to long imprisonments by first instance courts under articles 314 and 220 of the Penal Code of Turkey. On 12 December 2018, LRWC wrote a [joint letter](#) to the Turkish Minister of Justice urging him to release Mr. Tombul and to cease judicial harassment against the EHB lawyers.



Can Tombul

Dr. Şebnem Korur Fincancı imprisoned for signing Declaration to stop violence

On 12 January 2019, LRWC (Gail Davidson and Brian M. Samuels, Q.C.) wrote [a letter](#) calling for the release of Şebnem Korur Fincancı from arbitrary detention. Dr. Fincancı is a prominent and well-respected forensic physician and human rights defender. On 19 December 2018 Dr. Fincancı was convicted of “propagandizing for a terrorist organization” and sentenced to two years, six months in prison for having signed a Declaration prepared by Academics for Peace entitled “We will not be a party to this crime” (Declaration). The Declaration called on the Government of Turkey to end state violence against citizens, and was signed by over 1,400 academics after being published on 10 January 2016. As of 27 December 2018, 444 academics who signed the Declaration have been prosecuted and 69 have been sentenced to imprisonment. However, all but eight of the sentences have been suspended. LRWC views Ms. Fincancı’s conviction and sentencing as illegitimate and a violation of internationally protected rights, and of Turkey’s international human rights obligations. LRWC calls for the release of Dr. Fincancı, and an end to prosecutions of Declaration signatories and the use of laws and courts to punish lawful human rights advocacy.



Şebnem Korur Fincancı

Photo: FIDH

VIET NAM

Viet Nam Charter of issues prepared by LRWC and L4L

Catelijne Boshouwers of Lawyers for Lawyers (L4L) attended the pre-session to the UPR of Viet Nam and circulated the Viet Nam Charter of issues prepared by LRWC and L4L to encourage states to ask questions and make the recommendations requested in the joint report of L4L and LRWC.

EDUCATION EVENTS

Day of the Endangered Lawyer

The Day of the Endangered Lawyer (DEL), held in cities around the world on January 24th each year, provides an opportunity to learn about the grave dangers of lawyers in a selected country facing



Day of the Endangered Lawyer

persecution, prosecution, arbitrary detention, threats, torture, assaults and death as a consequence of carrying out their professional duties. The focus this year was on lawyers in Turkey. LRWC members Joey Doyle and Brian Samuels Q.C. organized a [DEL lunch hour event at the UBC Faculty of Law](#) that featured presentations by Brian Samuels Q.C., Ozge Yazar, and appearing by Skype, Mehmet Kilic, President of the Journalists and Writers Foundation. DEL events were held in [Paris](#), [Bordeaux](#), [Madrid](#), [London](#), [New York](#), [Brussels](#), [Rome](#), [Venice](#), [Vienna](#), [Berlin](#), [Hamburg](#), [Istanbul](#), [Barcelona](#), [Lyon](#), [Antalya](#), Amsterdam, Athens, The Hague and Manila.

UN GENERAL ASSEMBLY NEWS

UN General Assembly resolution for a moratorium on death penalty: Pakistan alters vote

In December 2018, Pakistan was reported as voting in favor of a UN General Assembly resolution calling for a moratorium on execution, with eventual aim to abolish the death penalty. It was reported that Dominica, Libya, Malaysia and Pakistan all supported the resolution for the first time. Antigua and Barbuda, Guyana and South Sudan changed their 2016 opposition votes to abstention. However, the next day, Pakistan's Foreign Office Spokesperson Dr. Mohammad Faisal said that Pakistan's vote was "inaccurately recorded" "due to technical issues" and that Pakistan actually "voted against the General Assembly resolution calling for a moratorium on execution." Pakistan currently imposes the death penalty for blasphemy. In December 2018, brothers Qaiser and Amoon Ayub were sentenced to hang after being convicted of blasphemy for online posts. A 2008 moratorium on the death penalty in Pakistan was lifted in December 2014 to re-instate the death penalty for terrorism offences and in March 2015 for other offences.



Photo: UN Photo/Paulo Filgueiras

WORKING PRO BONO for LRWC in December-January

Hanna Bokhari, Temisan Boyo, Maree Bullivant, Gail Davidson, Joey Doyle, Maya Duvage, Sebastian Ennis, Farhad Ghaseminejad, Robert Lapper Q.C., Lois Leslie, Catherine Morris, Michael Mulligan, Heather Neun, Felix Nkongho Agbor, Brian Samuels Q.C., Peggy Stanier and Melissa Tessler.

LRWC COOPERATING with OTHER NGOs in December-January

Asian Forum for Human Rights and Development (FORUM-ASIA), Asociación Cultural Tibetano-Costarricense, Association for Human Rights in Ethiopia, Bar Council of England and Wales, Bar Human Rights Committee of England and Wales, Center for Civil Liberties (Ukraine), Centre for Human Rights and Democracy in Africa, China Human Rights Accountability Center, China Labour

Bulletin, Christian Solidarity Worldwide, CIVICUS (South Africa), Core Group for the Tibetan Cause, Espacio Público (Venezuela), Free Tibet, Frontline Defenders, Grupo de Apoio ao Tibete, Hong Kong Confederation of Trade Unions, Human Rights Defenders Network (Sierra Leone), Human Rights in China (U.S./Hong Kong), Humanitarian China, IBA's Human Rights Institute, International Campaign for Tibet, International Civil Liberties Monitoring Group, International Commission of Jurists, International Service for Human Rights, International Tibet Network Secretariat, Lawyers for Lawyers, LUNGTA – Actief voor Tibet, Network of Chinese Human Rights Defenders, PEN America, Public Foundation Adil soz (Kazakhstan), Réseau Ouest Africain des Défenseurs des Droits Humains (Togo), Safeguard Defenders, Students for a Free Tibet, Students for a Free Tibet Denmark, Swedish Tibet Kommitten, The Law Society of England & Wales, The Rights Practice, Tibet House (Moscow), Tibet Initiative Deutschland, Tibet Justice Center, TIBET LIVES, TibetMx Querétaro, Tibet Society UK, Tibet Support Group Netherlands, Tibet Watch, Tibetan Youth Association Europe, Uyghur Human Rights Project, West Africa Human Rights Defenders Network (ROADDH), World Movement for Democracy (United States), World Organisation Against Torture (OMCT), and World Uyghur Congress.

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