

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
www.lrwc.org – lrwc@portal.ca – Tel: +1 604 738 0338 – Fax: +1 604 736 1175

LRWC NEWSLETTER September 2012 Edition

LRWC ACTION NEWS

BAHRAIN

Abdulahdi Al-Khawaja's appeal rejected: Vicheka Lay [wrote a letter](#) on behalf of Abdulhadi Al-Khawaja, Zainab Al-Khawaja and 28 other arbitrarily detained activists, calling for their release. On September 4, 2012, Bahrain's High Court of Appeals upheld the life sentence against Mr. Al-Khawaja, founder of the Gulf Center for Human Rights, and 19 other human rights and political activists, 7 of which were decided by the Court in absentia. All parties were charged under the temporary martial law for "organising and managing a terrorist organisation", "attempt to overthrow the Government by force and in liaison with a terrorist organisation working for a foreign country" and "collection of money for a terrorist group". One of the defence lawyers indicated that torture allegations had been made against Bahraini officials by Mr. Al-Khawaja and other detained activists; the resulting confessions have not been investigated or excluded from the court proceedings. Additionally, political blogger Zainab Al-Khawaja has been detained since August 2, 2012 for protesting the arrest and detention of her father Mr. Al-Khawaja; she is facing 13 charges in the Lower Criminal Court. LRWC denounced the arbitrary repression of human rights advocacy and engagement in political activities, calling on Bahraini officials to immediately and unconditionally release the 30 detained activists and implement effective measures to prevent and punish the use of torture.



BURMA

Saw Kyaw Kyaw Min in exile: LRWC sent a [letter on 07 September](#) to Burmese President Thein Sein on behalf of criminal defence lawyer Saw Kyaw Kyaw Min, who is reportedly serving a six month sentence. In October 2008, Saw Kyaw Kyaw Min was convicted of contempt of court for not compelling his clients to face the court after they had turned their backs in protest to the proceedings against them. He fled to Thailand following the conviction, but returned to Burma in May 2012 and was arrested and imprisoned in August 2012. In recent months, Burma has re-admitted a number of lawyers to the bar who were disbarred for carrying out activities appropriate to their role as lawyers. LRWC's letter commends Burma for these re-admissions, and requests Saw Kyaw Kyaw Min's sentence be commuted to demonstrate that lawyers can carry on their essential role in Burma without fear of disbarment or

imprisonment.

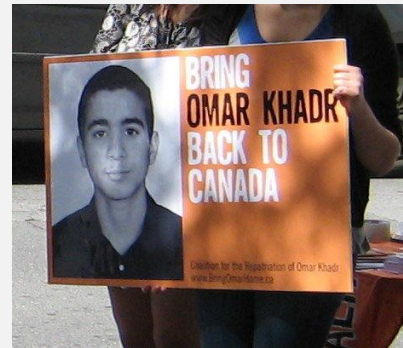
Political prisoners released: Burma released another 514 prisoners this month, 87 of whom considered to be political prisoners. Most of those released are from China, India, Thailand, Laos and Bangladesh. While welcoming the release, rights groups continue to call for the release of hundreds of others still imprisoned. Paul Copeland, LRWC Burma monitor, was recently removed from the black list of people barred from the country when the government published 1147 names taken off the list; a further 4000 names are still black listed.



CANADA

Torture memos: A dozen advocacy, human rights and civil liberties groups, including LRWC, have sent [a joint letter](#) to Public Safety Minister Vic Toews, calling on the Canadian government to immediately direct all agencies, including the RCMP, Canada Border Services Agency and CSIS, to stop using any information that may have been extracted through torture.

Omar Khadr repatriated: On September 29th Omar Khadr was repatriated to Canada and is incarcerated in Millhaven Federal prison in Bath Ontario. Gavin Magrath and Grace Woo had written [another letter](#) urging prompt repatriation in accordance with the Canada's earlier promise to comply with the plea agreement. Under the terms of that document, Khadr was eligible to for repatriation to Canada by November 2011. LRWC has published many reports and other communications on this issue. Thanks to lawyers Dennis Edney and Nathan Whitling and to the LRWC members who worked on this issue: Gail Davidson, Robert Diab, Gavin Magrath, Fara McLaren, Catherine Morris, Maureen Webb and Grace Woo. The Government of Canada has asked for LRWC's 'views' on the Concluding Observations of the Committee against Torture.



COLOMBIA

Martha Dias threatened: Heather Neun wrote a letter on behalf of Martha Días, the director and legal representative of AFUSODO, who received an email threatening her and other human rights defending organizations (such as COLEMAD) with murder. The email also stated that AFUSODO and COLEMAD had to leave the city of Baranquilla. The email was received after the bodies of two young people, subject to extrajudicial execution, were returned to their families. The victims' families are members of AFUSODO. [LRWC's letter](#) called on President Santos to ensure adequate protective measures for Días and others as well as appropriate measures to identify and punish the perpetrator(s) and to prevent further threats or harm.

HONDURAS

Antonio Trejo killed: Gail Davidson and Andrew Guaglio [wrote a letter](#) to the Honduran government regarding the murder of human rights lawyer Mr. Antonio Trejo on September 22, 2012. He was shot six times after exiting a wedding near Tegucigalpa. Mr. Trejo was a leading human rights lawyer who had been advocating for farmers' land rights in conflict with powerful land owners. He had reported a

number of death threats and had filed for protection from a powerful landowner, which police and other public officials in Honduras had ignored. On September 5, he had commenced a constitutional challenge to legislation which would provide certain cities with regulatory and trade conditions to promote investment, and to have their own laws and justice systems. All the circumstances suggest that the murder was a targeted killing related to his work as a human rights lawyer. LRWC denounced Honduras' climate of impunity and urged a prompt, transparent, and competent investigation of all extra-judicial killings, particularly the apparently reprisal murder of Antonio Trejo.



VIETNAM

Journalists sentenced to lengthy prison terms: Darlene Kavka and Catherine Morris [wrote a letter](#) condemning the convictions and sentences of three journalists who have advocated for human rights in Vietnam, particularly freedom of expression. Mr. Nguyen Van Hai (aka Dieu Cay), Ms. Ta Phong Tan, and Mr. Phan Thanh Hai were tried on September 24, 2012 and sentenced to 12, 10, and four years in prison respectively. As a result of their writing of blog articles and advocating freedom of expression, they were convicted of conducting “anti-state propaganda.” The September 24 trials lacked legitimacy and were contrary to international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) ratified by Vietnam in 1982. LRWC called on Vietnam to abandon its systematic repression of the right to freedom of expression and cease the illegitimate criminalization of peaceful, lawful expression of political views.



UN HUMAN RIGHTS COUNCIL – LRWC PARTICIPATION

UN HUMAN RIGHTS COMMITTEE – SHADOW REPORT ON TURKEY

LRWC and the Observatory for the Protection of Human Rights Defenders filed a joint submission to the UN Human Rights Committee for consideration on review of Turkey's compliance with the *International Covenant on Civil and Political Rights*. The joint shadow report identified violations of the rights to pre-trial release and the presumption of innocence in the case involving the mass prosecution and trial of 50 people: 46 lawyers, 3 legal office employees and one journalist. These lawyers, who have acted on behalf of several members of the Kurdish political movement were detained and charged as a result of their legal representation of their clients. The legal analysis was prepared by Kim Stanton drawing of the research of Lois Leslie. Other contributors to the report were Ayse Bingol, of Savunmaya Özgürlük Platformu - SÖP (Freedom for Lawyers Platform); Alexandra Poméon, of FIDH, LRWC intern Marion Caussanel, and Gail Davidson. The report can be viewed on the [LRWC website](#) and on the [Committee's website](#). The review of Turkey will take place in Geneva on October 17-18 during the Committee's 106th session. On October 25th the Committee will hold a discussion on a new General Comment regarding Article 9 liberty rights.

UN HUMAN RIGHTS COUNCIL, 21ST SESSION – SEPT. 10-28, 2012

Vani Selvarajah attended the 21st session of the Human Rights Council (HRC) from September 10 to 28, 2012 on behalf of LRWC. LRWC Sri Lanka monitor Gary Anandasangaree also attended. LRWC made

two thematic interventions and one country-specific intervention.

LRWC took part in the HRC's interactive dialogue with the Special Rapporteur on the situation of human rights in Cambodia, along with several other NGOs, calling for justice and independence in Cambodia. Intimidation and reprisals against human rights defenders was also a topic of interest. LRWC took part in a very important discussion on intimidation or reprisals against persons who cooperate with the United Nations in the field of Human Rights. When addressing the HRC through a video message, Secretary General Ban Ki-Moon said it was regrettable that such incidents of reprisals and intimidation had been reported and stressed the responsibility of States to protect human rights. Navi Pillay, United Nations High Commissioner for Human Rights also regretted that such a discussion had to take place and further stated that "individuals should not be subjected to ill treatment or intimidation as a consequence of communicating with the representatives of international instruments".

LRWC was also in attendance at the second Human Rights Council's Nelson Mandela International Day panel discussion. The panel's discussion focused on how the values of reconciliation, peace, freedom and racial equality inspired by Nelson Mandela could contribute to the promotion and protection of human rights

Ms Selvarajah engaged with various country missions to follow up on the March 2012 HRC resolution promoting reconciliation and accountability in Sri Lanka. Ms Selvarajah met with country missions to provide them with updated information on the human rights situation in Sri Lanka. In anticipation of the upcoming Universal Periodic Review (UPR) of Sri Lanka on November 1, 2012, Ms Selvarajah made a statement at the pre-session on August 31, 2012 where she provided a summary of the situation of women in post-war Sri Lanka and the hardship they face, including the economic, physical and sexual security of women. She called upon states to make interventions during Sri Lanka's UPR to encourage the government to provide women with opportunities to ensure their economic sustainability and to substantially demilitarize the North and East provinces of Sri Lanka.

GENEVA SIDE EVENTS

["On the Occasion of the Presentation of the First Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparations and Guarantees of Non-Recurrence"](#)

LRWC and the Asian Legal Resource Centre (ALRC) co-sponsored this September 12 event along with organizers Impunity Watch, HIVOS, Human Rights Watch, the Lutheran World Federation and the International Service for Human Rights. The event profiled the mandate of the recently appointed Special Rapporteur Pablo de Greiff. The plight of victims denied remedies was highlighted, with genocide survivors from Guatemala and Burundi sharing their personal stories of injustice.

["Human Rights in the Philippines: Can the UPR Make a Difference on the Ground?"](#)

LRWC co-hosted this September 20 event with organizers ALRC, Civicus and Karapatan. ALRC launched their special report, *The Philippines' Hollow Human Rights System*. The panel discussed the lack of judicial independence in Philippines. The wife of a victim spoke about her personal story and the lack of accountability in Philippines. This very important side event took place on the same day the HRC adopted the outcome of the UPR of the Philippines.

ORAL STATEMENTS TO HRC

Bahrain & Sri Lanka: [Reprisals against human rights defenders](#). Bahrain's recent UPR led to participating human rights defenders being branded traitors by the Bahraini media and subjected to smear campaigns. During the March session of Council, Sri Lankan activists in Geneva had been subjected to

intimidation and harassment by government officials, both at the Council and in Sri Lanka. Some activists had been threatened with violence by government officials, including one threat to 'break their limbs'. LRWC commended the courage of these human rights defenders in the statement and called on the Council to condemn and respond to harassment and intimidation against human rights defenders.

Canada: [Access to justice](#). This statement highlighted unequal access to justice that occurred during the Missing Women Inquiry in British Columbia. The statement described how the Native Women's Association of Canada and other groups had been granted standing in the Missing Women Inquiry but were denied the funding necessary to participate, while all three levels of government were represented by publicly funded counsel. This inequality--unprecedented at a public inquiry--prevented meaningful participation by victims and their advocates. LRWC told the Council that states must urgently address these persistent issues of inequality in access to justice. This presentation can be viewed on the [UN website](#).



Cambodia: [On the situation of human rights in Cambodia](#). This joint statement of LRWC and ALRC was delivered on September 25th. The statement highlights issues of continuing concern regarding judicial harassment of and violence against human rights defenders particularly those involved in defending community land rights against encroaching business developments, problems with the independence of judges and lawyers and repressions of freedom of expression.

ENFORCED DISAPPEARANCES

The Working Group on Enforced Disappearances made a [statement](#) that enforced disappearance is not only a crime but an act that negates the essence of humanity and the deepest human values. They called on states to respect the 1992 Declaration and the Convention to protect all people from enforced disappearances.

COLOMBIA -3RD INTERNATIONAL CARAVANA

LRWC delegates Carol Huddart (recently retired from the BCCA) and Heather Neun (labour/human rights lawyer) participated in the Third Colombia Caravana August 26 to September 1, 2012. The Caravana met with many of the major groups of human rights lawyers in Bogota and various regions across the country, and presented their findings to government authorities at the conclusion. The preliminary findings emphasized that threats and attacks continue against judges and lawyers in Colombia, including criminalization, stigmatization of lawyers, and critical declarations from the government about their work. One document obtained during the Caravana indicated that between 2002 and 2012 the Prosecutor General's office of Colombia recorded over 5200 instances of attacks on lawyers, ranging from threats to physical attacks and homicides.



The Caravana also reported that despite the supposed demobilization, paramilitaries continue to operate freely in the country, perpetrating grave attacks on victims which undermine legislative initiatives such as

the Victims and Return of Lands statute. Transnational companies are another recurring concern, as their activities frequently thwart the recognition and enforcement of labour, environmental and indigenous rights. As a consequence, the lawyers who represent the sectors with the most human rights victims – including Indigenous peoples, trade unionists, victims of displacement and other human rights violations such as extrajudicial killings and disappearances – are themselves made victims.

LRWC is pleased to have participated in this important international initiative. There is a great deal of follow-up work to be done, and we look forward to contributing to collaborative efforts with the lawyers in Colombia and the delegates from Europe, between now and the next Caravana in 2014. Further reports are available on request.

EDUCATION EVENTS

VICTORIA EVENT REPORT

September 13 marked the 5th anniversary of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), a product of over 20 years of struggle and leadership from Indigenous communities. LRWC, Amnesty International and the Hul'qumi'num Treaty Group (HTG) teamed up with University of Victoria's Faculty of Law and their Social Justice Studies Program to host a commemorative event at the University of Victoria to discuss "Indigenous Rights in the UN System". This evening featured a video of a talk by Kenneth Deer on the development and approval of UNDRIP, followed by a discussion led by Robert Morales, lawyer and chief negotiator for the HTG, where he gave an update on how UNDRIP has affected Canada's position on Aboriginal rights, as well as the reaction from the international community. It was an engaging and educational evening - a perfect way to celebrate UNDRIP while acknowledging the progress that still needs to be made.



OMAR KHADR, OH CANADA BOOK LAUNCH

85 people were in attendance for the Vancouver launch of McGill Queen's publication *Omar Khadr, Oh Canada* on September 19th. It kicked off with Kat Norris drumming a blessing. Several contributors to the anthology spoke, including Editor Janice Williamson, LRWC members Gail Davidson, Grace Woo and Robert Diab along with Alnoor Gova. Maher Arar joined the event by Skype. Audience members also made thoughtful contributions. [Videotapes of the event](#) produced by Sid Tan are online.



CRIMINAL AND CIVIL LIABILITY FOR WAR CRIMES, GENOCIDE AND TORTURE

On October 12-13, in Vancouver BC, the Canadian Centre for International Justice (CCIJ) is offering a two day course on legal processes designed to ensure criminal and civil accountability in Canada and abroad for war crimes, genocide, crimes against humanity and torture. To register go to www.ccij.ca. (Approved for CPD credits.)

GROUPS LRWC WORKED WITH THIS MONTH

Amnesty International, Asian Legal Resource Centre, BC Civil Liberties Association, BC Freedom of Information and Privacy Association, CAIR-CAN, Canadian Association of University Teachers, Canadian Yearly Meeting - Religious Society of Friends (Quakers), Centre for Law and Democracy, Civicus, Communications, Energy and Paperworkers Union of Canada, Council of Canadians, HIVOS, Hul'qumi'num Treaty Group, Human Rights Watch, Impunity Watch, Inter Pares, International Civil Liberties Monitoring Group, International Service for Human Rights, Karapatan, Ligue des droits et libertés, Lutheran World Federation, Native Women's Association of Canada, Observatory for the Protection of Human Rights Defenders and Savunmaya Özgürlük Platformu - SÖP (Freedom for Lawyers Platform).

GETTING INVOLVED WITH LRWC

Country monitoring opportunities: Let us know if you are interested in monitoring human rights in Colombia, Malaysia and Singapore and the Philippines.

Research opportunities: Let us know if you want to do research regarding: the right and duty to engage in dissent; restrictions on surveillance of lawyers and their communications with clients; criminalization of dissent; responses to the Government of Canada regarding the recommendations of the UN Committee against Torture.

We welcome feedback on Newsletter content, format and delivery. Mail subscriptions are also available.

- 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! [follow on Twitter](#) [friend on Facebook](#)

Copyright © 2012 Lawyers Rights Watch Canada, All rights reserved.

Contact us at:
lrwc@portal.ca
Telephone: +1 604 738 0338
Fax: +1 604 736 1175