

## LRWC NEWSLETTER

October 2013 Edition

### LRWC ACTION NEWS

#### BAHRAIN

LRWC joined Ceartas and others to send a [follow-up letter](#) responding to the International Association of Prosecutors' (IAP) decision rejecting the April 2013 complaint against the Attorney General of Bahrain, Dr Ali bin Fadhel Al-Buainain. The complaint alleges that the Attorney General authorized and failed to prevent politically motivated prosecutions in violation of international laws rights to fair trials, liberty, freedoms of expression, association and assembly, freedom from arbitrary detentions, freedom from torture and other prohibited treatment, and rights to pre-trial release. The IAP is mandated to promote fair, impartial and efficient prosecutions of criminal offences, as well as to protect human rights as laid down in the Universal Declaration of Human Rights. One day after the IAP's decision, the European Parliament passed a resolution calling on the Bahraini judiciary to act in accordance with international human rights standards. The joint letter contained requests for reasons for the IAP decision and details of the IAP appeal procedure. Authors of the letter noted that the re-election of the Attorney General to the IAP executive further diminishes the organization's credibility as a world authority to 'set and raise professional conduct standards for prosecutors worldwide.' Canadian IAP members have yet to respond to the LRWC letter of 20 September.



Dr. Ali bin Fadhel Al-Buainain  
(<http://www.bna.bh/>)

#### BANGLADESH

LRWC wrote a [letter](#) (a follow-up to September and August letters) calling for the release of detained human rights lawyer Adilur Rahman Khan. On 8 October 2013 Adilur Khan was granted interim bail for six months by the High Court Division of the Supreme Court and released on 11 October. Three earlier petitions for bail had been refused: one by the Magistrate's Court and two by the Cyber Crimes Tribunal. The Attorney General's appeal of the bail order was also dismissed. Prominent lawyers appearing for Mr. Khan at the



Adilur Rahman Khan | [frontlinedefenders.org](http://frontlinedefenders.org)

appeal included Sigma Huda, the former UN Special Rapporteur on trafficking of women and girls. [LRWC advocated on behalf of Ms Huda](#) in 2007 when she was sentenced to three years imprisonment. The trial was adjourned to 10 November 2013. Mr. Khan was arrested and charged after Odhikar published a report implicating government agents in the extra-judicial killings of 61 people engaged in a rally calling for religious freedom. Khan is the Secretary of Okhikar.

## BURMA



prisonersofconscience.org

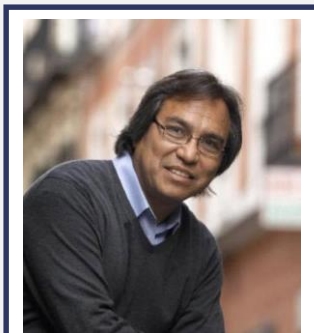
In a [letter dated 23 October](#), LRWC applauded the release of 56 more prisoners of conscience and criticized related conditions requiring remediation. Those released continue to face a variety of handicaps including restrictions on their right to obtain passports, apply for professional licences, run for office and relocate as well as the threat of re-instatement of proceedings against them. LRWC also expressed concern that the Penal Code and the Peaceful Assembly and Procession Law expose people exercising protected rights to expression, association and assembly, to penal sanctions. Tomás Ojea Quintana, the UN Special Rapporteur on the situation of human rights in Myanmar, recommended in his [23 September report \(A/68/397\)](#) that the

government immediately and unconditionally release all prisoners of conscience and establish a permanent body to review detentions that could be politically motivated and monitor the treatment of released prisoners of conscience.

## CAMEROON

The [July 2013 report of the Working Group on the Universal Periodic Review](#) of Cameroon was presented to the UN Human Rights Council at the September Session. Five delegations called for: decriminalization of consensual sexual acts between adults of the same sex; elimination of discrimination based on sexual orientation; elimination of arbitrary arrests and persecution based on sexual orientation; and protection of human rights defenders who help LGBT individuals. Canada recommended a moratorium on Article 347*bis* of the Penal Code, which criminalizes same-sex sexual activity. Belgium and Canada also called for adequate protection for those who defend the rights of LGBT in Cameroon, including their lawyers. The Cameroon delegation responded by stating that homosexuality was not accepted as normal behaviour. LRWC has called for the repeal of Article 347*bis* as part of [advocacy for Cameroon lawyers](#) threatened with death for representing people accused of homosexuality.

## CANADA



Professor Anaya | uanews.org

LRWC made a presentation to the UN Special Rapporteur on the rights of indigenous peoples during his investigative visit to Canada. Professor Anaya spent one day at Musqueam First Nations hearing presentations from BC-based nations, groups and individuals. Several presentations were made during the afternoon session on the failure of governments to consult with and seek the consent of First Nations on decisions affecting claimed lands and to engage in a meaningful process to settle First Nations claims to use, occupation and stewardship of seized lands. Other presentations focused on government failure to provide equal services to First Nations people. During the morning sessions, each presenter had a 15-minute private meeting with Professor Anaya. LRWC presented during the afternoon

session which was public with each presenter having speaking for 10 minutes. [LRWC's presentation](#) reviewed discriminatory and unequal treatment of First Nations people in Canada—past and current—and Canada's failure to acknowledge remedy rights violations.

## RUSSIA

LRWC sent a [letter](#) expressing concern with proceedings brought against the NGO, Anti-Discrimination Centre 'Memorial' (ADC Memorial) following publication of their report (*Roma, Migrants, Activists: Victims of Police Abuse*) criticizing the use of torture and other ill-treatment by police. The prosecution alleges that ADC Memorial is involved in political activities and receives foreign funding and is therefore in violation of the Administrative Code and the Code on Civil Procedure by not being registered as a 'foreign agent'. The four charges against ADC Memorial are an example of escalating harassment of NGOs engaged in activities likely to expose wrongdoing by, or otherwise unpopular with government. LRWC maintains that the proceedings against ADC Memorial are a misuse of the legal system to shut down and punish legitimate civil society activities.

## SUDAN

LRWC sent [a letter calling for the release](#) of lawyer Adam Sharief held incommunicado and without charge since 26 September. Mr. Sharief was arrested six days after he criticized the government of South Sudan during a radio interview. His incommunicado detention puts him at heightened risk of torture.

## VIETNAM

Human rights lawyer and blogger Le Quoc Quan was sentenced to two and a half years in prison and ordered to pay a fine of \$59,000 on 2 October 2013. The charges of tax evasion are widely seen as illegitimate and the prosecution is seen as a tool to punish Le Quoc Quan for his human rights work and to silence other government critics. LRWC anticipated that the court proceedings, which were completed in one day, would be a means of imposing a pre-determined conviction. The ASF Network advises that although deliberation between hearing of evidence and submissions lasted about a minute, the decision was set out in a 20-page document.



Diplomats, journalists, and members of the public seeking to attend the trial were not allowed access to the courtroom itself but only to a video stream of the proceedings. A representative from the Canadian Embassy in Vietnam attended. Prior to the court date, we were informed that New Zealand, Switzerland, Norway and the European Union also applied for their representatives to attend the proceedings. A decision by the UN Working Group on Arbitrary Detention on [the petition filed by 13 NGOs](#) including LRWC seeking a declaration that the detention of Le Quoc Quan is arbitrary is expected in November. We do not yet know if additional submissions regarding the conviction and sentencing will be required. Access [other LRWC work on this case](#).

## UN HUMAN RIGHTS COUNCIL NEWS

### UN SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES VISITS CANADA

“Canada faces a crisis when it comes to the situation of indigenous peoples,” concluded James Anaya at the end of his nine-day visit to Canada. James Anaya was appointed as the UN Special Rapporteur on the right of indigenous peoples in 2008. Currently a professor of law at the University of Arizona, James Anaya is an eminent specialist—both as a litigator and an academic—on the rights of indigenous peoples. He was lead counsel in the [Awas Tingni v. Nicaragua](#) case, which resulted in a precedent-setting decision by the Inter-American Court of Human Rights upholding the rights of indigenous peoples to lands seized during colonization. [In his preliminary report](#) Professor Anaya recommended sweeping remedial measures including: a national inquiry into murdered and missing aboriginal women in Canada; delayed enactment of the proposed Education Act pending proper consultation and consent; extension of the mandate of the Truth and Reconciliation Commission, whose work has been delayed by Canada’s refusal to divulge information; recognition that there should be no resource extraction on claimed lands without “adequate consultations” and “free, prior and informed consent.”

Anaya said the persistence of appalling disadvantages suffered by First Nations peoples in Canada (poorer access to housing, water, education, food, social services; worse health, lower life expectancy and disproportionately high rates of suicide and incarceration) is unacceptable, especially so in a country as rich as Canada.

### RIGHTS TO INTERNATIONAL HUMAN RIGHTS EDUCATION AND TRAINING

In a resolution ([A/HRC/24/L.12/Rev.1](#)) on the World Programme for Human Rights Education, adopted without a vote, the UN Human Rights Council made media professionals and journalists the focus group of the third phase of the World Programme for Human Rights Education and requested the Office of the High Commissioner to prepare a plan of action for the third phase of the World Programme (2015-2019) in consultation with States, relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization, national human rights institutions and civil society, including non-governmental organizations, and to submit the plan of action for consideration by the Council at its twenty-seventh session. Let us know if you would like to participate in the development of this education plan.



## NOTABLE REPORTS AND CASES

### **Report on Canada: *The Conservatives in power: Ideological cuts deliver hard blows to our rights* by: *Pas de démocratie sans voix (No Democracy Without a Voice)***

This report addresses a wide variety of issues of concern including: employment, First Nations rights, resource industries, attacks on unions and the arts, the failure of Canada to meet its international human rights obligations, lack of international cooperation, and the increase in militarization. The No Democracy Without a Voice coalition details concerns about government policies affecting these areas and their impact on rights and democracy and calls on the Government of Canada to:

- protect and defend rights and freedoms, in particular freedom of expression and the role of public debate as a foundation of democratic life;
- be transparent and respond to requests for information from Parliament and the Canadian public;
- respect Canadian democratic institutions;
- recognize and respect Quebec and Canadian organizations that advocate for rights, freedoms and social justice, and maintain their funding;
- comply with Canada's international human rights obligations and accept monitoring by impartial observers, in particular from civil society and First Nations peoples; and
- mandate a public commission on the state of democracy, the right to information and freedom of expression in Canada.

### **European Court of Human Rights (ECtHR) case - *Big Brother Watch, Open Rights Group, English Pen & Dr Constanze Kurz v. United Kingdom*.**

Big Brother Watch, Open Rights Group and English PEN, together with German internet 'hactivist' and academic Constanze Kurz have launched a legal challenge to the UK's internet surveillance activities in the ECtHR. This application, which concerns the extent of the surveillance programmes operated by U.S. and U.K. intelligence services, contends that such unchecked surveillance is a breach of privacy rights protected by Article 8 of the European Convention on Human Rights. The Applicants seek a declaration that the U.K. internet surveillance practices are disproportionate to any potentially legitimating purpose. The practice of issuing surveillance warrants has failed and/or been circumvented and oversight has failed.

Pleadings allege that the U.K. routinely taps, stores and sifts through internet data and has used the U.S. PRISM programme to access data on British citizens stored by U.S. internet corporations. Through its own TEMPORA programme, the U.K. is alleged to tap into the sub-ocean cables that carry the U.K. and the EU internet activities around the world and store and sift through that data, including emails or calls between British or EU citizens. It is further alleged that the U.K. has granted the US National Security Agency unlimited access to this data.

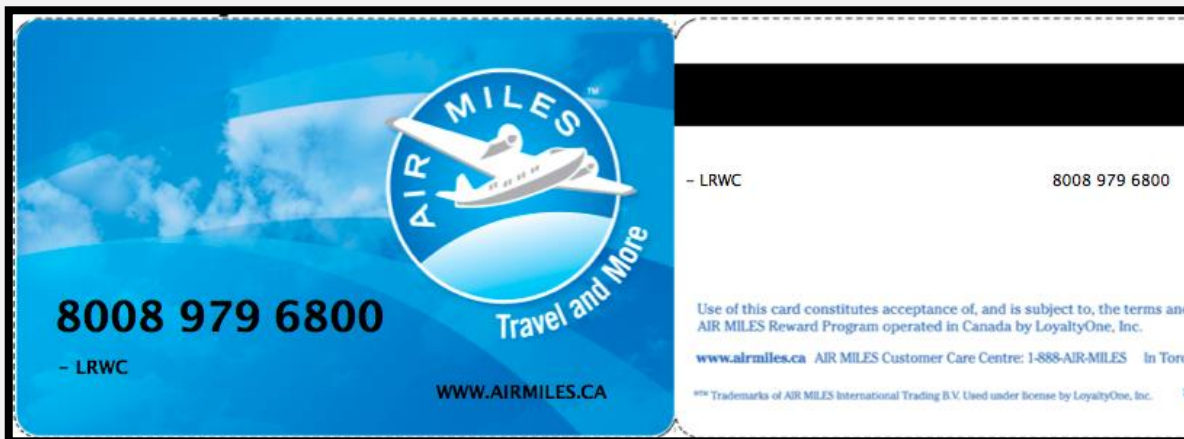
## LRWC AIRMILES

### 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](mailto: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.
- 



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](#)

Contact us at:  
[lrwc@portal.ca](mailto:lrwc@portal.ca)  
Telephone: +1 604 738 0338  
Fax: +1 604 736 1175

**Lawyers' Rights Watch Canada**  
is an NGO in Special Consultative  
Status with the Economic and Social  
Council of the United Nations.

*Copyright © 2013 Lawyers Rights Watch Canada, All rights reserved.*