

## LRWC NEWSLETTER

August – September 2015 Edition

### LRWC ACTION NEWS AND UPDATES

#### ARGENTINA

##### **No credible investigation of suspected murder of Special Prosecutor Nisman**

LRWC sent [a letter](#) on 11 September citing the urgent need to ensure a properly independent and competent investigation of Alberto Nisman's death. Special Prosecutor Nisman was shot to death in his apartment the day before he was to give evidence implicating the President in a cover-up of the 1994 AMIA bombing. After a flawed investigation, the state concluded the death was a suicide. LRWC's letter outlines details of investigation failures that militate against acceptance of this conclusion and outlines the state's international law obligations flowing from the UN and OAS systems to ensure a competent investigation independent from the individuals and institutions suspected of involvement. LRWC's concern with the inadequacy of the state's investigation is apparently shared by many. A month after Mr. Nisman's death, hundreds of thousands of Argentines marched in the streets to demand justice in the case. LRWC has previously called for an independent and competent investigation in [a letter](#) dated 22 February 2015.



Alberto Nisman

#### BAHRAIN

##### **Engineer sentenced to life in prison for speaking out against rights abuses on hunger strike**

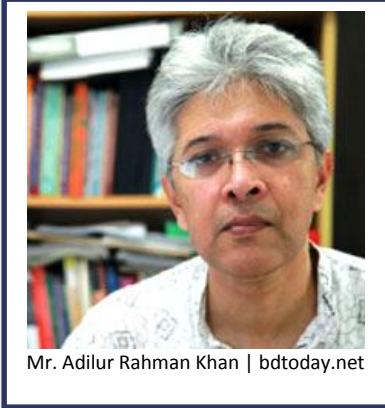
Forty-two NGOs including LRWC published [a statement](#) on 28 August 2015 demanding the immediate release from prison of prominent human rights defender Dr. Abduljalil al-Singace, who has been on a hunger strike in prison since 21 March 2015. Dr. Abduljalil al-Singace was sentenced by a military court to life in prison for exposing and speaking out against human rights violations in Bahrain. Reports indicate that prison authorities have denied necessary medical attention and subjected him to torture and other prohibited treatment. He began his hunger strike to protest the collective punishment imposed on Jau prison inmates following a 10 March riot against appalling prison



Dr. Abduljalil al-Singace | pen-international.org

conditions.

## BANGLADESH



### **Police threaten Odhikar and the Bangladesh Human Rights Commission**

On 2 August, after conducting months of harassment and unlawful surveillance, police issued a media release dubbing as unlawful reports by Odhikar and BAMAK of extra-judicial killings by the police. LRWC again sent [a letter to authorities](#) on 19 August calling for an independent commission of inquiry into the extra-judicial killings, in compliance with the UN *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*; withdrawal of charges against Mr. Adilur Rahman Khan and ASM Nasiruddin Elan; and cessation of harassment of Odhikar staff. LRWC communications on unlawful and arbitrary actions against Odhikar can be viewed on the Bangladesh page of the LRWC website. An

earlier LRWC letter resulted in Mr. Khan being released from prison.

## BRAZIL

### **Raimundo dos Santos Rodrigues murdered for opposing illegal logging**

On 25 August Sr. Raimundo dos Santos Rodrigues, an opponent of illegal logging in the Biological Reserve of Gurupi in Brazil, was assassinated. Prior to his death Mr. Raimundo had received death threats after denouncing actions of landowners and logging companies in the Amazon forest as environmental crimes. The threats had been reported to the National Agrarian Ombudsman, but no protection had been provided. LRWC [sent a letter](#) on 25 September requesting Brazil to take immediate action to ensure an effective investigation of the assassination of Sr. Raimundo



dos Santos Rodrigues, and to eradicate illegal logging in the Biological Reserve of Gurupi, invest in income-generating activities as an alternative to logging, strengthen security for human rights defenders and provide access to justice institutions in the municipality of Bom Jardim.

### **Leader of Guarani-Kaiowá indigenous people murdered in reprisal for land activism**

On 29 August 2015 Sr. Semião Fernandes Vilhalva, a leader of the Guarani-Kaiowá indigenous people, was murdered in reprisal for his lands rights activism during a land recuperation operation held in the municipality of Antônio João in the western state of Mato Grosso do Sul. The murder occurred seven days after the Guarani-Kaiowá had begun the largest ever occupation of claimed lands. [LRWC's letter](#) (in Portuguese and English), dated 25 September requests the Government of Brazil to recognize the constitutional rights of indigenous peoples and work to ensure the demarcation of their territory and to conduct an investigation to identify murder suspects and provide effective protection of indigenous land rights activists and other human rights defenders.

## CAMBODIA

### **LRWC makes oral statement to the UN Human Rights Council**

LRWC gave an [oral statement](#) to the UN Human Rights Council welcoming the appointment of Prof. Rhona Smith as Special Rapporteur on Human Rights in Cambodia and seeking extension of her mandate for two years. LRWC's statement focussed on concerns about judicial harassment of human rights defenders, particularly those working on land rights issues and the Law on Associations and NGOs, passed in July 2015 without meaningful civil society consultation, which increases government opportunities for the judicial and administrative harassment and criminalization of NGOs and for the restriction of rights to freedoms of expression, association and assembly as protected by international law. LRWC urged Council to call upon Cambodia to end its entrenched pattern of serious human rights violations and to cooperate fully with treaty bodies, the Special Rapporteur and other Special Procedures mandate holders.

## CANADA

### **[Canada's Failure to Reduce Emissions: Unlawful or Above the Law?](#)**

LRWC has produced an article examining Canada's greenhouse gas emissions performance in light of the June 2015 decision of The Hague District Court in *Urgenda v. The Netherland*. The Dutch court ruled that, by setting a policy to reduce greenhouse gas and CO<sub>2</sub> emissions to 17% below 1990 emission levels by 2020, the Netherlands "acted negligently and therefore unlawfully" and ordered a reduction of 25%. Facts about Canada's negative contributions to climate change, examined in the article, include: Canada's CO<sub>2</sub> emissions are now 18% greater than they were in 1990; Canada is the only one of 195 countries to withdraw from the Kyoto Protocol; and the May 2015 reduction pledge by the Minister of the Environment is the lowest of G7 members and non-compliant with what is considered necessary to avoid "severe, pervasive and irreversible impacts on all the world's people and ecosystems." Not surprisingly Canada has received the Colossal Fossil award as the country that has that has done the most to inhibit global warming solutions for 5 years in a row.

### **Better access to information a vital component of democracy**

Twenty Canada-based NGOs including LRWC, the BCCLA and the International Civil Liberties Association endorsed [an open letter](#) (15 September) calling for improved access to information as a vital part of democracy. The groups called on all federal parties to support amendments to the *Access to Information Act* necessary to: expand the mandate of the Office of the Information Commissioner, repeal blanket exceptions, ensure application of the Act to all federal departments and officials; and require public officials to document and preserve communications preparatory to decision making.

## CHINA

### **Human rights and criminal defense lawyers arrested, detained, disappeared**

Since the beginning of July 2015, almost the entire human rights bar has been targeted, with over 284 human rights lawyers having been wrongfully arrested in a country-wide campaign to stifle any advocacy likely to expose, or intended to halt, human right abuses by the government of the People's Republic of China. Also swept up have been law office staff, family members and lay advocates. Many of the victims remain in detention and some have been



Wang Yu | theguardian.com

disappeared. LRWC presented [a report](#), *Mass arrest, detention and disappearance of lawyers and other rights advocates in China*, on this dire situation to the Special Rapporteur on the independence of lawyers and judges on 16 September in Geneva.

### **LRWC, L4L and the ALRC make oral statement to the UN Human Rights Council**

The [22 September joint oral statement](#) by LRWC, Lawyers for Lawyers (L4L) and the Asian Legal Resource Centre (ALRC) asked Council to address China's campaign of unlawful reprisals against lawyers and other human rights advocates and to request the High Commissioner for Human Rights to investigate and report on the abuses.

## **SAUDI ARABIA**

### **LRWC, L4L and FIDH/OMCT make oral presentation to the UN Human Rights Council**

LRWC, L4L, Fédération internationale des ligues des droits de l'Homme (FIDH) and the World Organization against Torture (OMCT) made [an oral statement](#) calling on Council to condemn the gross, widespread and systemic human rights abuses in Saudi Arabia against human rights defenders and to act collectively to remind Saudi authorities of their human rights obligations as a member of the international community and of the Council. The statement was presented to the UN Human Rights Council in Geneva on 21 September 2015 by LRWC Director Vani Selvarajah.

## **SINGAPORE**

### **Law Society of Singapore takes proceedings against prominent human rights lawyer**

LRWC wrote two letters on behalf of human rights lawyer M. Ravi urging the Law Society of Singapore (LSS) and the Disciplinary Tribunal to either withdraw the complaints of professional misconduct against Ravi or honour Singapore's international law obligations when reviewing the complaints and conclude that the complaints are not sufficiently grave to warrant further disciplinary action. LRWC's [11 August letter](#) invited the LSS to discontinue disciplinary action against the internationally known human rights lawyer and to take all additional steps necessary to ensure the reissuance of his Practice Certificate. LRWC's [19 August letter](#) LRWC urged the Disciplinary Tribunal of the LSS to dismiss the complaints in view of inter alia, evidence that the behaviour was unintentional, was not likely to recur and could be controlled coupled with M. Ravi's willingness to cooperate with the psychiatrist and the law society. Key to both LRWC letters was the fact that there are few other lawyers in Singapore willing and able to represent clients and causes unpopular with the Government of Singapore. LRWC urged the LSS to consider their obligations both to accommodate M. Ravi's condition under the UN *Convention on the Rights of Persons with Disabilities* and to "to protect and assist the public" by ensuring access to competent legal representation in civil and criminal cases involving issues unpopular with the Government of Singapore. The LSS responded angrily to the 11 August letter claiming that LRWC's correspondence had violated confidentiality provisions of Singapore law. We believe the Disciplinary Tribunal proceedings commenced on or about 27 August and that continuation of the proceedings is being held in camera.



## **SRI LANKA**

**Special Court to be established to prosecute war crimes and crimes against humanity**

LRWC presented an [oral statement](#) at the HRC in Geneva welcoming the report of the High Commissioner of Human Rights on Sri Lanka and thanking the many witnesses who made the report possible. The report acknowledges that war crimes and crimes against humanity were committed in Sri Lanka during the 26-year long civil war and recommends the establishment of a special hybrid court with international involvement to investigate atrocities and carry out prosecutions and trials. These recommendations represent an extraordinary victory for all those, including LRWC members Gary Anandasangaree, Vani Selvarajah and Harini Sivalingam who have worked tirelessly at their own expense for six years for this result—accountability in Sri Lanka. The statement was delivered by Gavin Magrath on September 30. A report of the work done to achieve this result will be available later this year.

## THAILAND

### NGOs called for withdrawal of law suits against Andy Hall



Andy Hall

Forty-four labour and human rights organizations joined in a [letter](#) dated 19 August 2015 requesting withdrawal of all criminal and civil defamation suits against human rights researcher Andy Hall, in accordance with Thailand's international law obligations to protect human rights defenders against retaliation, including judicial harassment. On 15 September, the Thai Appeal Court dismissed the appeal by the Attorney General and the Natural Fruit Co. Ltd. (Natural Fruit) of the dismissal on 29 October 2014 of one of the criminal defamation suits launched by Natural Fruit against Mr. Hall. The defamation prosecution and four

others are part of a campaign against Mr. Hall initiated by Natural Fruit in reprisal for Mr. Hall contributing research to a January 2013 report, *Cheap Has a High Price*, published by Finnwatch, exposing labour abuses in the fruit and shellfish industries in Thailand. Mr. Hall faces further criminal defamation charges and civil law suits by Natural Fruit. On 24 August, a Thailand court [indicted](#) him on charges of criminal defamation and under the *Computer Crimes Act* and on 19 October 2015 Mr. Hall faces a plea hearing and detention pending a bail hearing in a Bangkok court. Repercussions of several exposés of Thailand's seafood industry have been widespread. Nestlé's SA (Swiss Co.) is being sued in Federal Court in Los Angeles for having fish in its [Fancy Feast](#) cat food from a Thai supplier that uses slave labour. Another suit has been filed against [Costco](#) Wholesale Corp for selling shrimp from "Thailand where slave labour and human trafficking in the fishing industry are allegedly widespread." Three members of the European Parliament [tabled](#) a question seeking a written answer from the EU Vice President regarding the cases of the *Natural Fruit vs. Andy Hall*, stating that aspects of *Cheap Has a High Price* "have been confirmed by the Thai Ministry of Labour and a Natural Fruit employee. Yet, the cases have been allowed to continue through the Thai judicial system."

### Chutima Sidasathian and Alan Morison acquitted of criminal defamation

On 1 September Ms. Chutima Sidasathian and Mr. Alan Morison, two journalists with the *Phuketwan* news website, were acquitted of criminal defamation under Articles 326 and 328 of the Thai *Penal Code* and Article 14(1) of the 2007 *Computer Crimes Act*. The charges were laid by the Royal Thai Navy after *Phuketwan* quoted an investigation by Reuters stating that members of "Thai naval forces" were involved in trafficking Rohingya people fleeing Myanmar. LRWC views the acquittal as a significant victory for freedom of media expression in Thailand. The Court found that



Chutima Sidasathian and Alan Morison

the words were not defamatory because the report was useful to society. Also important was the court's finding that the *Computer Crimes Act* was not intended to be used in such defamation cases. LRWC communications sent on [5 January](#) and [10 July 2015](#) condemned the prosecution as wrongful and the trial process as unfair. However, the Royal Thai Navy has reported that it may ask the Court for an extension on the 30-day appeal period to consider whether to appeal the verdict.

**LRWC files submission for the second UPR of Thailand criticizing the use of military courts**

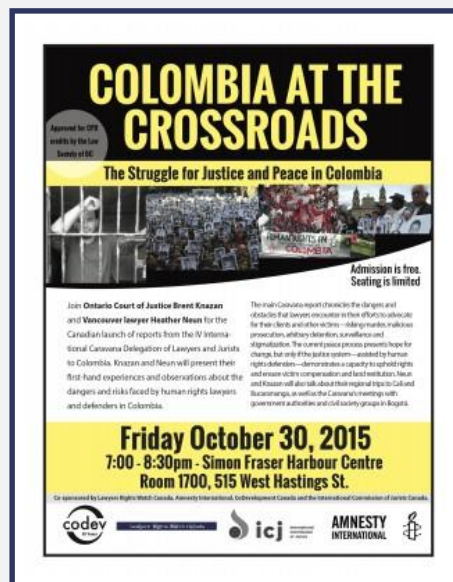
On 22 September LRWC filed [submissions](#) for the UN Human Rights Council's second Universal Periodic Review of Thailand scheduled to take place during the April-May 2016 session. The LRWC submissions focused on the use of unfair trials in military courts to try at least 700 civilians since the military government seized power in a military coup on 22 May 2014. A number of human rights defenders, academics and peaceful pro-democracy activists have faced military courts for offences including lèse majesté and disobeying the orders of the military rulers not to hold political gatherings of more than five persons. On 30 September, LRWC presented an [oral statement](#) to the UN Human Rights Council focusing on judicial harassment of human rights defenders in both civilian and military courts.

**EDUCATION EVENTS**

**Colombia at the Crossroads: The Struggle for Peace and Justice in Colombia**

with Justice Brent Knazan and Heather Neun.  
 Friday 30 October 2015, 7:00 - 8:30 pm  
 Room 1700 Simon Fraser Harbour Centre, 515 West Hastings St. Vancouver  
 Admission is free. Seating is limited. Approved for CPD credits by the Law Society of BC  
 Co-sponsored by LRWC, Amnesty International, CoDevelopment Canada and the International Commission of Jurists Canada.

Ontario Court of Justice Brent Knazan and Vancouver-based labour lawyer Heather Neun, delegates to the IV Colombia Caravana, will introduce the report, [Colombia at the Crossroads: The vital role of lawyers and human rights defenders for real justice and peace](#). The main Caravana report chronicles the dangers and obstacles that lawyers encounter in their efforts to advocate for their clients and other victims -- risking murder, malicious prosecution, arbitrary detention, surveillance and stigmatization. The current peace process presents hope for change, but only if the justice system—assisted by human rights defenders—demonstrates a capacity to uphold rights and ensure victim compensation and land restitution. Neun and Knazan will also talk about their regional trips to Cali and Bucaramanga, as well as the Caravana's meetings with government authorities and civil society groups. People attending the event will also be introduced to the [seven separate reports](#) on human rights crises in the seven departments visited by Caravana delegates. View the [poster](#).



## UN HUMAN RIGHTS COUNCIL, 30<sup>TH</sup> SESSION, 14 SEPTEMBER TO 2 OCTOBER

### LRWC PARTICIPATION AT THE HRC

LRWC representatives attended all three weeks of the 30<sup>th</sup> session of the HRC: Vani Selvarajah attended the first two weeks and Gavin Magrath attended the last week. Vani and Gavin are both Toronto-based lawyers and LRWC directors. Work by Vani and Gavin during the session included meeting with the new Special Rapporteur on the independence of judges and lawyers and representatives of NGOs and states, attending side events and delivering oral statements to the HRC. A full report on LRWC work at the 30<sup>th</sup> session of the HRC will be available later this year. LRWC presented one written report and, in partnership with other NGOs, five oral statements to the HRC. Videos of the oral statements are available at the links below. LRWC statements attracted notice from concerned parties. After the LRWC and ALRC joint statement on Thailand and other countries was delivered, the political counsellor for Thailand began his reply by stating that Thailand “wants to reply to the issues raised by the delegation of the United States and the representative of the organization Lawyers Rights Watch Canada...”. A special thanks to LRWC’s terrific HRC team, Gary Anandasangaree, Gail Davidson, Gavin Magrath, Catherine Morris and Vani Selvarajah

#### Written Statement

*Mass arrest, detention and disappearance of lawyers and other rights advocates in China*, by Clive Ansley and Gail Davidson, 16 September 2015, presented to the SR on the independence of judges and lawyers.

#### Oral Statements

- **Saudi Arabia: *Widespread and systematic violations of human rights violations in Saudi Arabia***, a joint oral statement by LRWC, L4L and FIDH/OMCT, calling on Council to condemn gross, widespread and systemic human rights abuses in Saudi Arabia against human rights defenders, presented on 21 September 2015 by Vani Selvarajah. The video presentation can be viewed [here](#) at 14:28 or on the [UN website](#) at Chapter 42.
- **China: *Crackdown on lawyers and other advocates violates international law obligations***, joint oral statement by LRWC, Lawyers for Lawyers and the ALRC, presented on 21 September by Vani Selvarajah. The video presentation can be viewed [here](#) or on the [UN website](#) at Chapter 15.
- **Cambodia: *Re: Report of the Special Rapporteur on the situation of human rights in Cambodia***, an oral statement by LRWC delivered on 29 September by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) at 0:56:33
- **Sri Lanka: *Urgent Need for Accountability and Reconciliation***, an LRWC statement presented on 30 September by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) at 1:16:57.
- **Thailand and other countries: *Abuse of laws and military courts to silence civil society***, presented on 1 October by Gavin Magrath. The video of the presentation can be viewed [here](#) or on the [UN website](#) here at Chapter 46.

### LRWC MEMBERS CONTRIBUTING PRO BONO IN AUGUST AND SEPTEMBER

Thank you to LRWC members and volunteers working *pro-bono* during August and September 2015 on letters, research, writing, investigations and advocacy: Siobhán Airey, Gary Anandasangary,

Clive Ansley, Brenda Belak, Miranda Cheng Gail Davidson, Kim Hawkins, Brad Hornick, Gavin Magrath, Carolyn McCool, James Mitford, Catherine Morris, Renee Mulligan, Charlotte Munk, Heather Neun, Isabela Piacentini, Vani Selvarajah, Avi Sharma, Mark Stevens, Ben Sutherland, Rohan Shah, Grace Woo and students at the Universidade Positivo, Curitiba, Brazil.

LRWC is looking for researchers, case monitors and country monitors.

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

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 © 2015 Lawyers Rights Watch Canada, All rights reserved.*