

## LRWC NEWSLETTER

October-November 2019 Edition

### LRWC ACTION NEWS and UPDATES

#### CAMEROON

##### Joint letter calls on France to support talks to end conflict and resolve issues



50 academics and NGOs including LRWC joined in [an open letter](#) calling on France's President Macron to encourage Cameroon's President Biya to "enthusiastically embrace" talks between Cameroonian authorities and Anglophones mediated by Switzerland. The letter notes continued violence by state and non-state actors, displacement of over 500,000 people fleeing violence, hundreds of thousands of children out of school and 1.4 million people at risk of famine. Given that the [Major National Dialogue](#) held in Yaoundé from 10 September to 4 October failed adequately address the Anglophone Crisis, its root causes or alternate forms of governance,

participation in the talks that Switzerland has offered to mediate seems urgently necessary. In October 2018 LRWC and other organizations hosted and helped organize a Canadian speaking tour by Cameroon lawyer and activist, Felix Agbor Nkongho. In addition to writing letters on behalf of arbitrarily detained Cameroonian activists, LRWC has done advocacy to promote peaceful and just solutions through dialogue which has included: a written report ([A/HRC/42/NGO/1, 21 August 2019](#)) and oral statements to the UN Human Rights Council, a briefing note for the public event on the Cameroon crisis co-hosted by LRWC and the Law Society of Ontario, and contributed to "[See the World through Their Eyes](#)", produced by the Raoul Wallenberg Centre for Human Rights and the Centre for Human Rights and Democracy in Africa. LRWC Cameroon advocacy can be viewed [here](#).

#### CHILE

##### Security forces use excessive force against protesters calling for social reform

LRWC with the [Bar Human Rights Committee of England & Wales](#), sent a [letter on 7 November](#) objecting to the excessive use of force by Chile's security forces in response to mass protests demanding social reform, questioning the legitimacy of the state of emergency declaration, and calling on Chilean authorities to protect the rights of protestors and ensure compliance with international law. Chile is a State Party to the [International Covenant on Civil and Political Rights](#) (ICCPR) and the [American Convention on Human Rights](#) (American Convention) both of which guarantee all the relevant human rights alleged to have been violated, including rights to life, liberty and security of person, freedom from arbitrary detention and the right of peaceful assembly. Whilst the use of so-called non-



lethal weapons to control and disperse unlawful assemblies may be permitted, it must be used in accordance with international norms and standards. Instead, there have been multiple and credible reports that the force used by State security agents was excessive, disproportionate, unnecessary and directly endangered the lives and safety of protestors. LRWC and the Law Society urged the Chilean authorities to ensure that attempts to establish public order comply fully with international law and all actions that have led to injury or death, are independent investigation and lawful remediation.

### **Deaths threats against Colombian lawyer Germán Romero Sánchez**

On 28 October [a joint letter](#) was sent by LRWC, the Colombia Caravana, L4L, Observatoire des Avocats, Fundacion abogacia espanola, and Illustre Colego de la Abogaia de Bizkaia, in response to death threats against lawyer Germán Romero Sánchez. A response from Colombian authorities has been received and follow-up monitoring will continue.

## **INDONESIA**



**Victoria Koman**

### **No arrest warrant or red notice issued against lawyers representing West Papua protesters**

Lawyer Victoria Koman is no longer threatened with an international arrest warrant and being stateless. Interpol has not issued a red notice or an international arrest warrant either because Indonesia did not make the request as threatened or the request was denied. LRWC and L4L had sent [a joint letter](#) to Indonesian authorities in September asking all criminal charges be withdrawal and threats and harassment stopped. LRWC gave an interview explaining that charges against Ms Koman were based

entirely on her lawful reporting of police misconduct towards West Papuans and was an attempt to use the criminal law process to suppress news of the conflict and the call for an independence referendum. LRWC and L4L stated that issuance of a red notice against Ms Koman would violate Interpol's constitution. In addition to vilifying Ms Koman, Indonesia has blocked news of state wrongdoing and resistance in West Papua through a variety of means including: criminalizing reporting of protests; shutting down internet access; and, using bots (fake automated online accounts), face book and twitter to publish false information and jump onto hashtags. As a result of this intense media campaign, Ms Koman is regularly receiving threats of death and rape. On 20 November Ms Koman was [awarded Australia's Sir Ronald Wilson Human Rights Award](#) for shining "a light on violations of the rights of West Papuans." She continues to monitor and advocate for rights of all in Papua from Australia. LRWC and L4L are continuing to monitor the situation.

## **KENYA**

### **Murder trial continues**

A witness gave evidence on 7 October 2019 that prominent lawyer Willi Kamani, his client Josphat Mwenda and their taxi driver Joseph Muiruri were abducted and bludgeoned to death by police. [The witness testified that four police officers had planned](#) and carried out the abduction and murder. Kumani, his client and their taxi driver had disappeared on 23 June 2016 and their bodies were found in the river on 30 June. Kumani represented Mr. Muiruri whose complaint against police was scheduled for hearing on 23 June 2016. The three men were abducted shortly after leaving the Mavoko Law Courts. LRWC had sent letters on [21 July](#), and [19 August](#) of 2016 regarding the murders. The trial of four police officers and one informer for murder continues.

## **MYANMAR**

### **Gambia files action for genocide in the International Court of Justice**

On 11 November Gambia filed a lawsuit in the International Court of Justice (ICJ) alleging genocide by Myanmar against the Rohingya. The application, supported by the 57 nation Organization for Islamic Cooperation (OIC), seeks a finding that Myanmar is responsible under the Geneva Convention a declaration under Article 1 that Myanmar has a duty to make reparations to the Rohingya, including safe return, full citizenship, equal and non-discriminatory rights protection, protection against discrimination. The latter claim is controversial as the GC is silent on reparations. As the Convention is silent on reparations, this claim is controversial. Public hearings of the case will be held 10-12 December in The Hague. Myanmar [has announced](#) that “[Aung San Suu Kyi] will lead a team to the Hague, Netherlands, to defend the national interest of Myanmar at the ICJ,” LRWC advocated for an action to the ICJ by Canada through: an [Open Letter of 25 June 2019](#) supporting Senate Motion 476 letter a to take an action to the ICJ: a [Briefing Note](#) explaining the ICJ option as a means of establishing accountability; and, [a letter in June 2019](#) outlining Canada’s duty. Catherine Morris went to Ottawa to urge passage of the Senate Motion.

### **Action for genocide and war crimes against Myanmar officials filed in Argentina**

On 13 November 2019 Rohingya and Latin American human rights organizations, using universal jurisdiction provisions, filed a lawsuit alleging genocide and war crimes against Rohingya by Myanmar officials including Aung San Suu Kyi. The [Complaint](#) asks that “the perpetrators, co-perpetrators, participators and accessories be identified, and the necessary measures adopted.” Lead lawyer the complainants, Tomas Ojea, was U.N. Special Rapporteur for Myanmar between 2008 and 2014. See the below for news of the International Criminal Court investigation.

### **Convictions in the 2017 murder of Myanmar lawyer Ko Ni**

Two gunmen have been [convicted and sentenced to death](#) for the murder of prominent lawyer U Ko Ni, who [was killed](#) in broad daylight at the Yangon International Airport in January 2017. Ko Ni was a human rights defender, a Muslim, a critic of the military and an advocate for constitutional reform in Myanmar, and the death of Ko Ni is viewed by Amnesty International as having the “[hallmarks of an assassination](#).” It is unlikely that the gunmen will be executed, as Myanmar has not enforced the death penalty for more than 30 years. LRWC advocacy on this issue includes letters sent in [February 2017](#), [March 2017](#), [June 2017](#), and [September 2017](#).

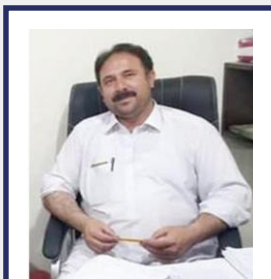


**U Ko Ni**

## **NETHERLANDS**

### **Murder of Dutch lawyer Derk Wiersum – 18 September 2019**

In the early morning of 18 September 2019, Derk Wiersum, a well-respected Dutch lawyer and deputy judge, was shot and killed outside of his home in Amsterdam. He was representing a crown witness in a high-profile criminal case against members of an organization accused of several murders and attempted murders. Although the events are still being investigated, it is assumed that Mr. Wiersum was murdered for his work as a lawyer. LRWC joined with more than 30 organizations in a statement that was distributed at Mr. Wiersum’s funeral and provided to authorities.



**Saeed Khan**

## **PAKISTAN**

### **Lawyer Saeed Khan killed**

Saeed Khan, an assistant public prosecutor and member of the Tehsil Bar Association, was killed on 11 October 2019 by unidentified gunmen on a motorcycle who opened fire on Mr. Khan as he was leaving his home in Chakdara Khas. [LRWC’s 24 October 2019 letter](#), notes the alarming number of lawyers murdered in Pakistan, the persistent lack of effective measure to prevent or punish assassinations and urges compliance with Pakistan’s international obligations to: a/ investigate the killing of Saeed Khan in compliance with the requirements of the Minnesota Protocol; b/ prosecute

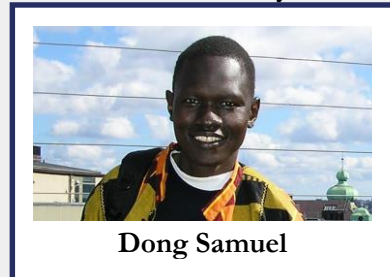
suspects and punish perpetrators in accordance with international law obligations; c/ prevent the extra-judicial killings of lawyers through protection services; and, d/ other necessary measures.

### **Saif ul-Malook continues to represent blasphemy defendants**

Appearing with a panel of expert speakers at seminar in London examining, "[Can someone accused of blasphemy ever receive a fair trial in Pakistan?](#)", lawyer Saif ul-Malook, said: "The short answer is 'no', a big 'no'." Mr ul-Malook, an advocate of the Supreme Court of Pakistan, was threatened with death for representing Asia Bibi on the appeal of her conviction and death sentence for blasphemy. According to [news reports](#), He [said](#) no one would help him when he took Ms Bibi's case, stating, 'He is going to get killed; why should we sit with him to be killed?' Ms Bibi's conviction was overturned and she was granted asylum in Canada. In [an interview in the New Internationalist](#) in June 2019, Saif ul-Malook stated, "In Pakistan, blasphemy is a crime punishable by death. To defend anyone accused of it – especially if they are part of the very poor Christian minority – is to risk a death sentence of one's own, by mob rule." Despite risks to his safety, Mr ul-Malook says he is now involved in another blasphemy case in Pakistan. Asked why he was continuing to work in Pakistan when his life was at risk. Mr ul-Malook replied that he wanted to keep helping people like Ms Bibi, and added: "I think my life is not all that important." In June he said: "This is my country. I've spent my whole life defending the poor and helpless here. Why should I stop?" LRWC has advocated for repeal of blasphemy laws and of the death penalty and measures to protect lawyers and promote religious tolerance, in addition to a letter calling for protection for Saif ul-Malook and the judges threatened with death for overturning the blasphemy conviction.

## **SOUTH SUDAN**

### **South Sudan and Kenya sued over abduction and murder of Dong Samuel and Aggrey Idri**



Hope for Humanity Africa and the [Pan African Lawyers Union](#) are suing South Sudan and Kenya over the abduction and murder of human rights lawyer Dong Samuel and activist Aggrey Idri. The case is before the East African Court of Justice (EACJ) in Tanzania. As [reported](#) by Radio Tamazuj, South Sudanese lawyer, Wani Santino Jada said the complainants seek determination of the circumstances that led to the disappearance and brutal murder of the two men...

Wan said several lawyers in the region are demanding that Juba and Nairobi be held liable for the killing of both men and stressed that

the deportation of Dong and Idri from Kenya was a blatant violation of East African laws because there were no bilateral agreements between Juba and Nairobi to deport the two activists. In May, a report submitted to the United Nations Security Council (UNSC), by a panel of experts tasked to probe the conflict situation in South Sudan, revealed that both Dong and Idri were kidnapped by the Internal Security Bureau of South Sudan in Nairobi, deported to Juba and executed three days later. Dong, a renowned South Sudanese human rights lawyer and activist, and Aggrey Idri Ezbon, a member of the opposition SPLM-IO, disappeared from the Kenyan capital on 23 and 24 January 2017. LRWC advocated for investigation and remediation by letters dated [1 June](#) and [12 December 2017](#) and [24 January 2018](#) and an oral statement to the UN Human Rights Council in September 2019.

## **TURKEY**

### **Human rights lawyer Eren Keskin arbitrarily convicted again**

Internationally known human rights lawyer Eren Keskin was again unlawfully convicted and sentenced this time on 21 May 2019 to 3 years and 9 months in prison in relation to the illegitimate charges of "propaganda on behalf of a terrorist organization" under Article 7(2) of the Anti-Terrorism Law. LRWC's [letter of 14 November 2019](#) asks for withdrawal of all charges, vacation of all convictions and cessation of further harassment and unlawful prosecution. Ms Keskin has been targeted with innumerable prosecutions for her human rights work. The prosecution involve illegitimate charges determined by executive-controlled courts. Charges too broad to allow foreknowledge of defense lead

to automatic convictions summarily imposed. LRWC has written to Turkish authorities about such unlawful prosecution on previous occasions: [21 July](#) and [5 April 2019](#).

Ms. Keskin is vice-president of the Human Rights Association in Turkey (İHD) and co-founder of Legal Aid For Women Who Were Raped Or Otherwise Sexually Abused by National Security Forces. She has been a strong advocate for fundamental rights and freedoms in Turkey, especially for the Kurds,



**Eren Keskin**

women and the LGBTQ community. As a human rights advocate for almost thirty years, Ms Keskin has contributed significantly to the protection of minority rights, countered violence against women, campaigned to end torture, and challenged militarism.

She is an honorary member of the Paris Bar Council, and has been awarded the 2004 Aachen Peace Award, the 2005 Theodor Haecker Prize for Civic Courage and Political Integrity and the 2018 Helsinki Civil Society Award.

### **International law obligations to release ÇHD lawyers**

On 22 October 2019 LRWC sent [a letter](#) to the Minister of Justice in Turkey objecting to the conviction, sentencing and detention in Turkey of 20 lawyers who are members of the Contemporary Lawyers' Association (ÇHD). On 16 October 2019 the Turkish Court of Appeals rejected the appeals and confirmed the convictions and sentences imposed by the Heavy Penal Court in March 2019 on these 20 ÇHD lawyers in violation of international human rights law. LRWC asked Turkey to vacate and nullify the convictions and sentences and release all the named victims.

### **Erosion of Judicial Independence and Attacks on Lawyers continues in Turkey**

[Erosion of Judicial Independence and Attacks on Lawyers in Turkey](#) is a summary of facts for circulation to states during the pre-session to the Universal Periodic Review of Turkey at the 35<sup>th</sup> session in January-February 2020. The summary was published the Law Society of England and Wales and endorsed by the 16 NGOs, including LRWC that filed a report for the UPR of Turkey. The summary and recommendations emphasizes widespread human rights violations against jurists in Turkey since July 2016 and the removal of legal protections that would allow prevention and remediation. Unprecedented executive control of judges and prosecutors has paved the way for illegitimate prosecutions, coupled with denial of due process and fair trials and the arbitrary conviction and detention of hundreds of jurists and thousands of others. The NGOS filed joint submissions for the UPR of Turkey on 15 July 2019, recommending sweeping changes to the current practice of arbitrary arrest, prosecution and detention of lawyers in Turkey.

### **Former Amnesty Director and others face unlawful conviction and sentencing**

Proceedings before the Istanbul Heavy Metal Court against Taner Kılıç, and nine others began on 27 November. The defendants, referred to as the Istanbul 10, face illegitimate charges of 'membership in a terrorist organization' and 'assisting a terrorist organization without being a member' and up to 15 years in prison on conviction. The three lawyers (Taner Kılıç, *Nalan Erkem* and *Şeyhmus Özbekli*) also face likely loss of their licences to practice law. Eight of the Istanbul 10 were arrested 5 July 2017 and conditionally released on 25 October 2017. Taner Kılıç was arrested 6 June 2017 and conditionally released in August 2018. At the commencement of these proceedings, Amnesty issued [a statement](#) calling for acquittal of what amnesty called 'absurd' charges and [observed](#) that the defendants are "on trial for nothing more than their human rights work." LRWC sent letters on behalf of Taner Kilic and the other defendants in 2017 on [30 October](#), [17 July](#) and [5 July](#). LRWC has also made, contributed or endorsed several oral statements and written submissions identifying the illegality of proceedings against lawyers and the need for remediation. Written submissions include: to the [OHCHR](#) on 28 February 2018; [for the UPR of Turkey](#); to the [UN Human Rights Council](#).

## EDUCATION EVENTS

### **Canadian tour of Colombia human rights defenders**

#### **[Beyond Borders: Climate change, human rights and the struggle for peace in Colombia](#)**

LRWC supported and facilitated public events and meetings with lawyers in Toronto, Vancouver and Duncan as part of Peace Brigades Canada (PBI) tour of Canada by Colombian human rights lawyer Julia Figueroa and journalist Andrea Nocove of the women's lawyers collective [Colectivo de Abogadas Luis Carlos Perez \(CCALCP\)](#), and Iván Madero of the regional human rights organization [Corporación Regional para la Defensa de los Derechos Humanos \(CREDHOS\)](#). In Toronto, delegates met with Ontario lawyers. On 6 November there was a well-attended public forum at Simon Fraser University's Morris J. Wosk Centre for Dialogue, featuring talks by the three Colombians about the deteriorating human rights situation in Colombia and the lack of adequate protection for human rights defenders. This event was co-sponsored by the SFU Institute for the Humanities, LRWC, Mining Watch Canada, Amnesty International and PBI. On 7 November delegates met in Vancouver a group of interested lawyers to discuss critical human and environmental rights issues in Colombia and possible roles for Canadian lawyers—to advocate for defenders in danger and to take cases to Canadian courts. On Nov 9 delegates met in Duncan with the Hul'qumi'num Treaty Group (HTG) to discuss the indigenous land right and the [HTG's petition](#) before the Inter-American Commission of Human Rights.

## INTERNATIONAL CRIMINAL COURT

### **Investigation of war crimes against the Rohingya approved**

On 14 November, the Pre-Trial Chamber of the ICC (PTC) [approved the Office of the Prosecutor's \(OTP\) 4 July request to open an investigation of alleged crimes by Myanmar against the Rohingya](#). The PTC noted the forcible displacement of between 600,000 and 1 million Rohingya people to Bangladesh. The PTC considered victims' views that an investigation was necessary and that "only justice and accountability can ensure that the perceived circle of violence and abuse comes to an end." The PTC approved investigation of 'any crime' including future crime, within the ICC's jurisdiction and allegedly committed at least in part on the territory of Bangladesh or another State Party. Myanmar is not party to the Rome Statute. [LRWC advocacy for investigation, accountability and remediation](#) includes: nine oral statements to the UN Human Rights Council (on 12 & 16 June, 13 March, 13 & 19 September 2017, 28 June, 20 September 2018, and 19 March, 17 September 2019); three Statements (May, October 2018 and September 2018, September 2019); two Briefing Notes (November 2018, June 2019), three letters (17 September 2017, as June 2019, 25 June 2019) and travel to Ottawa (Catherine Morris) to promote Canadian action to the ICJ.

### **NGOs intervene in appeal of refusal to open investigation of US war crimes in Afghanistan**

A group of Europe-based NGOs including the European Centre for Human Rights, FIDH, HRW, Redress and others have filed leave to intervene in the appeal from the Pre-Trial Chambers decision to refuse the Office of the Prosecutor request to open an investigation into war crimes and crimes against humanity by, inter alia the CIA and US Armed Forces in Afghanistan and the territory of other State Parties to the ICC. The intervenors submissions are based on two grounds: that the victims, represented by some of the interveners, have a right to be heard on the appeal, and, the PTC decision was a jurisdictional one under Article 82(1) (a) of the ICC and is therefore appealable as a right, that victims have standing as a party and that the grounds of appeal submitted by the Legal Representatives for Victims are meritorious and must be considered as part of the jurisdictional issue.

### **Report on preliminary examination of alleged UK war crimes in Iraq**

The next Preliminary Examination of The Office of the Prosecutor will be released at the annual Assembly of States Parties during the first week of December this year.

## WORKING PRO BONO during October - November 2019

LRWC is a volunteer-run NGO. In addition to donations and membership fees, LRWC relies on the generosity of members working pro bono to write letters, conduct research of international human rights law, prepare reports, submissions, complaints and international law guides and arrange education events. Members working pro bono during October and November included:

Clive Ansley, Hanna Bokhari, Temisan Boyo, Harjot Brar, Oliver Buck, Maree Bullivant, Bill Chu, Grace Chung, Gail Davidson, Maya Diekmann, Sebastian Ennis, Tamara Friedman, Sarah Gale, Farhad Ghaseminejad, Julius Grey, Rob Lapper QC, Helen Lau, Lois Leslie, Catherine Morris, Renee Mulligan, Heather Neun, Arturo Pacheco, Parveen Parmar, Amy Reier, Brian Samuels QC, Peggy Stanier, Melissa Tessler, Aliya Virani.

## COOPERATION WITH OTHER NGOS

LRWC is constitutionally mandated to “work with other human rights organizations” to achieve its purposes. The efficacy of human rights advocacy, education and research is enhanced by collective work. LRWC works with hundreds of other civil society groups through the year. During October and November, LRWC worked with over a hundred groups, of which were:

Law Society of England and Wales, International Service for Human Rights, Lawyers for Lawyers, China Human Rights Lawyers Concern Group, Arrested Lawyers Initiative, International Bar Association Human Rights Institute, Law Society of Ontario Human Rights Monitoring Group, Colombia Caravana, Peace Brigades International, Raoul Wallenberg Centre for Human Rights, and the Centre for Human Rights and Democracy in Africa.

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