

## LRWC NEWSLETTER

February - March 2020 Edition

### LRWC ACTION NEWS and UPDATES

#### COVID-19

**United Nations - Suspend sanctions, ensure equal health services to the vulnerable says UN**



UN High Commissioner of Human Rights (UNHCHR), Michelle Bachelet, on 24 March [called on States to ease or suspend sanctions](#) against Iran, Cuba, Venezuela, North Korea, and Zimbabwe to prevent collapse of medical systems during the COVID-19 pandemic. “Progress in upholding human rights is essential to improve those systems – but obstacles to the import of vital medical supplies, including over-compliance with sanctions by banks, will create long-lasting harm to vulnerable communities,” she stated.

42 Special Rapporteurs, Independent Experts, and Working Groups appointed by the UN Human Rights Council [published a statement on 26 March](#) calling on States to ensure rights in responses to COVID-19 and to put in place special measures to ensure equal rights to life and health care of vulnerable people. Calling Covid-19 “a wake-up call for the revitalization of universal human rights principles,” the experts identified the most at risk as including, “[p]eople with disabilities, older persons, minority communities, indigenous peoples, internally displaced people, people affected by extreme poverty and living in overcrowded settings, people who live in residential institutions, people in detention, homeless people, migrants and refugees, people who use drugs, LGBT and gender diverse persons.”

#### **Organization of American States - ensure guarantees of rights and the rule of law**

The Inter-American Commission on Human Rights (IACHR) [calls on members of the Organization of American States](#) to adopt and implement measures to contain and treat COVID-19 that comply with international human rights laws and standards including rights to equality and non-discrimination and to guarantee the rule of law. The Commission cautioned states against the use of emergency measure except when such measures: are necessary to safeguard public health; have clearly defined objectives; are strictly limited to a legitimate purpose; and, are temporary. Also stressed was the duty of states to ensure access by all to accurate information about the pandemic and not to restrict the press or civil society organizations from seeking and disseminating information by any means.

## **Coordinating Strategies to ensure protection of International Human Rights during COVID-19**

LRWC convened an electronic meeting with more than a dozen leaders of international human rights groups from across Canada on 31 March 2020 to discuss ways to coordinate efforts to advocate for international human rights-based approaches to governments' COVID-19 strategies. LRWC's COVID-19 strategy is focused on building solidarity and collaboration with other human rights organizations for effective monitoring, education, research and advocacy to ensure that governments' COVID-19 strategies comply with international human rights law. LRWC plans to continue its focus on non-discriminatory access to protection of rights and remedies for violations, as well as effective protection for lawyers, human rights defenders and others engaged in human rights education, research, reporting or advocacy.

### **Turkey – Prisoner release necessary to protect detainees from COVID-19**

On 25 March 16 NGOs including LRWC published [a letter welcoming the planned release](#) of 100,000 prisoners and calling on Turkish authorities to urgently release lawyers, human rights defenders, and others arbitrarily detained during the purge and under emergency measures after a failed coup in 2016.. On 20 March, the European Committee for the Prevention of Torture had asked European Union (EU) States to decrease risks to prisoners by finding alternatives to detention. Turkey's prisons are reported to house 300,000 prisoners and to be operating at 131-153 percent of occupancy capacity. The letter was sent in response to media reports that those who have been imprisoned for certain charges including terrorism-related accusations would not be released. Since the 2016 attempted coup, authorities have misused Turkey's overbroad anti-terrorism legislation to judicially harass and arbitrarily detain tens of thousands of suspected dissidents and thousands of lawyers, judges, human rights defenders, and journalists. The letter was initiated by a Turkey-based group of lawyers; LRWC contributed to the text. The letter, which called for the vulnerable to be released first, was widely reported, particularly throughout Europe. On the same day, the [UN High Commissioner of Human Rights called upon](#) States to protect detainees from COVID-19 through release of vulnerable people in "prisons, jails, and immigration detention centres, as well as homes for the elderly, psychiatric hospitals and other closed centres." The High Commissioner also stressed that, at this time, "more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views." Under-Secretary General on Humanitarian Affairs, [Mark Lowcock reported](#) that the biggest threat from COVID-19 was in States experiencing war or other grave human rights abuses. He called on well-off states to help minimize the devastation of COVID-19 on vulnerable states and stressed that a failure to do so could fuel continued spread.



## **UNITED STATES**

### **Suspend sanctions against Iran and Venezuela during COVID-19**

LRWC, the National Lawyers Guild and the International Association of Democratic Lawyers plan to release a letter on 1 April 2020, calling on the United States to immediately suspend or cancel sanctions against Iran and Venezuela issued under the *International Executive Economic Powers Act* and for the suspensions to remain in place at least until the World Health Organization (WHO) has declared Iran and Venezuela free of COVID-19. The letter notes the [25 March statement of the UN High Commissioner for Human Rights](#) calling on States to ease or suspend sanctions so as to "enable medical systems to fight COVID-19 and limit global contagion."

### **Yemen - COVID-19 a catastrophic threat**

In response to the pandemic, Yemen has followed health care advice and on 16 March closed airports, land crossings, and all sports activities. The country's judiciary authority also suspended work in the court and schools have been shut down for at least a week; though the schools may open to allow students to sit their end of the year exams. Yemen's Deputy Prime Minister, Salem Al-Khanbashi, may

also decide to ban large gatherings and ask people to stay at home. However, there has still been conflict in Yemen with Houthi-led drone, missile and ground attacks on troops in the central province of Marib and the northern province of Jawf. Despite repeated calls by UN bodies and numerous NGOs including [LRWC](#) for an immediate end to the conflict, including alleged war crimes, the Saudi-led coalition continued to launch frequent airstrikes, mostly in Hajjah governorate, but airstrikes also increased in Ad Dali, Al Jawf, Marib, Sadah and Sanaa governorates. Currently, there are only two COVID-19 testing sights in Yemen, in Sanaa and Aden, and only 51 percent of health centres are fully functional. However, although there are still airstrikes and fighting, there have been no reports on COVID-19 aid or supplies being blocked. The WHO has increased distribution of vital medical gear and test kits to Yemen with 200 test kits already delivered to Sanaa and 300 delivered to Aden. While there are currently no reported cases of COVID-19 in Yemen, the WHO has placed health teams on heightened alert to help Yemen's health system that has been largely destroyed by the war.

## CANADA

### Suspend pipeline through Wet'suwet'en lands and stop use of force says UN Committee



The LRWC sent out a [press release on 12 February](#) highlighting the 13 December 2019 Decision of the UN Committee on the Elimination of Racial Discrimination (CERD) that calls on Canada to “halt construction...of the Coastal GasLink pipeline in the traditional and unceded lands of the Wet'suwet'en,” “immediately cease forced eviction of...Wet'suwet'en,” “guarantee that no force will be used against...Wet'suwet'en,” and ensure that “the Royal Canadian Mounted Police and

associated security and policing services will be withdrawn from their traditional lands.” Other statements criticizing Canada and BC for not complying with international law include: A [11 January letter from the SFU Institute for the Humanities](#) and s 24 February letter from [Lawyers and Legal Academics Supporting Rights](#) of Indigenous Land and Water Protectors. [Minister of Safety Bill Blair approved](#) the 20 February RCMP promise to move off the Wet'suwet'en territory.

### Legal brief on International law obligations to comply with UN recommendations

On 17 March, LRWC released [a legal brief providing details of the 13 December 2019](#) Decision of the UN Committee on the Elimination of Racial Discrimination (CERD). The brief outlines international human rights law (IHRL) guarantees of rights to equality and non-discrimination and explains their scope and application to the recognized land or collective property rights of Indigenous Peoples. The brief also details information about Canada's legal obligation to comply with the CERD recommendations to suspend construction of the Coastal GasLink pipeline through Wet'suwet'en territory and stop displacement and use of force by the RCMP. It also explained the IHRL definition of the rule of law and the background of other UN statements leading to the CERD Decision. The brief concludes that Canada and BC are obliged to comply with the CERD recommendations in order to comply with IHRL obligations to ensure rights of the Wet'suwet'en and other Indigenous Peoples in relation to their traditional lands including rights to object to mega-projects negatively impacting the use and occupation of their territories. The legal brief has been widely shared by Indigenous Peoples' rights advocates on social media, and notice of and a link to the brief was included in the March edition of the [Aboriginal Law Report](#) issued BC law firm First Peoples' Law.



## HONG KONG

### Release observers, withdraw charges, and ensure investigation into police use of force



LRWC and 18 other NGOs from Africa, North America, Asia, Europe, and the UK endorsed [a joint letter dated 11 February](#) calling on the Hong Kong Special Administrative Region (HKSAR) to comply with the *International Covenant on Civil and Political Rights* provisions safeguarding peaceful protests. The letter highlights the unlawful arrests of five observers from the civil society organization Civil Rights Observer while peacefully recording and monitoring protests in November 2019 and January 2020. The five were clearly identified by their clothing as observers and not participants. On arrest, police seized the observers' clothing, phones, cameras, and other items. Remedies requested by the joint letter include: release, a halt to prosecutions, withdrawal of charges, and return of the personal possessions and observer equipment seized. The letter repeats earlier calls by LRWC and others for a fully independent, impartial, and effective investigation into the use of force by the Hong Kong Police Force at 12 June and subsequent protests. The letter was accompanied by a [press release in English and Chinese](#). LRWC letters of 28 June and [19 December 2019](#) outline the legal requirements for an independent investigation of allegations of unlawful use of force against protesters by the Hong Kong police.

## COLOMBIA

LRWC and other lawyers' rights organizations wrote on 9 [February 2020](#) to Colombian officials regarding phone threats delivered on 6 December 2019 to human rights lawyer Adil Meléndez Márquez, which he promptly reported to the relevant State authorities. Mr. Meléndez believes these threats are linked to his work as a lawyer representing alleged perpetrators who wish to testify before the Special Jurisdiction for Peace (JEP) to tell the truth as part of Colombia's peace and transitional justice process. In addition to concerns about the obstruction of Mr. Meléndez's ability to perform his duties as a lawyer, the signatories expressed concern about the implications for the rights of Colombian victims' access to justice, reparation, and non-repetition of violations against them. The letter also emphasized the failure of State authorities to ensure the implementation of precautionary measures granted to Mr. Meléndez in 2006 by the Inter-American Commission on Human Rights; Colombia has withdrawn specific protection measures and failed to increase Mr. Meléndez' protection in response to the level of risk he faces. Mr. Meléndez was forced to seek external financial assistance in order to equip his house and office with additional protection mechanisms.

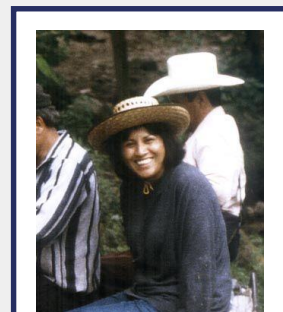
## MEXICO

### Investigation of 2001 murder of Digna Ochoa re-opened by Inter-American Commission

The Inter-American Commission on Human Rights has referred the matter of the 19 October 2001 murder of the well-known human rights lawyer [Digna Ochoa y Plácido](#) to the Inter-American Court of Human Rights. LRWC and the Bar Human Rights Committee of England and Wales are together exploring opportunities to file an amicus brief in this case. LRWC is looking for people to work on this file.

The Inter-American Commission, after a comprehensive review of a complaint filed by Digna's family, concluded that there has never been a proper investigation of her murder and that therefore her family continues to suffer from not knowing the facts of her death. In October 2019 ([Report No. 61/19, Case 12.229](#)), the Commission concluded that the failures identified

violated the rights of the family protected by the American Convention on Human Rights and other instruments. To remedy the violations, the Commission recommended that Mexico provide reparations and health care to the family and reopen the criminal investigation of the death of Ms Ochoa and the threats and attacks she suffered prior to her death. The Commission also ordered mechanisms to



Digna Ochoa

prevent repetition and directed investigation of the 19 April 2011 murder of one of the witnesses. In response to the failure of Mexico to comply with these recommendations, the Commission, by [letter dated 2 October 2019](#) referred the matter to the Inter-American Court of Human Rights.

LRWC, in partnership with the BHRC, sent representatives to Mexico on two occasions to meet with government officials, lawyers and family members to ascertain the legitimacy of the police investigations. On the basis of information gathered LRWC and BHRC concluded that Digna Ochoa had been murdered to prevent her advocacy which included exposing torture by state actors and equipping peasant ecologists and indigenous people to protect their land. John McAlpine QC was LRWC's representative on the first joint investigative visit to Mexico: Leo McGrady QC was LRWC's representative on the second visit. In 2002 Gail Davidson met with Digna's brother, Jesus Ochoa, when attending the ceremony where she was posthumously awarded the [Global Exchange](#) Human Rights Award. Global Exchange had assisted with LRWC's investigations. [LRWC and the BHRC rejected the state's conclusion](#) that Digna died by suicide as contrary to, and unsupported by, the evidence. LRWC concluded that the investigations by state actors were corrupted by incompetence, lack of independence and other factors. LRWC [continued to call](#) for an independent commission of inquiry to investigate Digna's death, identify suspected perpetrators and the remedial measures required by law. See the [2005 LRWC summary](#) of the Digna Ochoa case for more details.

## PHILIPPINES

### **Killing of lawyers, prosecutors and judges continues**

LRWC and the International Association of Peoples Lawyers have released [a list of lawyers, judges and legal workers extrajudicially killed](#) in the Philippines since President Rodrigo Duterte took office in July 2016. The February 2020 list, records extrajudicial killings and life threatening attacks on jurists up to 28 February 2020, updating list filed as an Appendix to a joint statement of by [LRWC](#) with six other NGOs, filed for consideration at the September 2019 session of the UN Human Rights Council. As of 5 September 2019, 46 jurists had been extrajudicially killed in the Philippines under the Duterte administration. As of 28 February 2020, 55 lawyers, prosecutors and judges have been extrajudicially killed, and 12 have survived attempted assassinations. The Philippines, a member of the Human Rights Council, has failed to take effective measures to comply with the 5 July 2019 Resolution of Council (A/HRC/41/L.20) "to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators accountable, in accordance with international norms and standards, including on due process and the rule of law." LRWC's September 2019 statement to the UN Human Rights Council asked the Council to recommend that the UN General Assembly take "steps to remedy any continued failure by the Philippines to comply with GA Resolution 60/251, including, as a last resort, consideration of suspension from Council membership."

## SAUDI ARABIA

### **States called on to condemn widespread and serious human rights abuses in Saudi Arabia**

LRWC joined 43 NGOs in [joint letters sent 25 February](#) calling on 40 States to collectively identify and condemn widespread grave human rights abuses in Saudi Arabia at the 43rd session of the UN Human Rights Council in February-March 2020. The joint initiative was led and the letter drafted by ALQST, with LRWC and others contributing to the text and distribution. Three slightly different versions were sent to States that had endorsed: a) the joint statement of 36 states, presented to Council by Iceland on 7 March 2019, b) the joint statement of 24 states presented to Council by Australia on 23 September 2019, and, c) both statements. States endorsing both statements were: Belgium, Canada, Croatia, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Montenegro, Netherlands, New Zealand, Norway, Slovakia, Slovenia



and Sweden. The previous collective statements had been preceded by joint advocacy from NGOs, including LRWC, identifying the gravity of ongoing abuses and the need for States to put rights before dollars and use diplomatic means to halt and remedy abuses. The 25 February joint letter urges States to call for continued monitoring by the UN Human Rights Council and immediate remedial measures by Saudi Arabia. The March session of Council was terminated early because of the COVID-19 pandemic, and there was no joint statement by states. LRWC sent the 25 February letter to Canadian authorities asking Canada to:

1. join other states to ensure sustained scrutiny of Saudi Arabia by the Human Rights Council; and,
2. call on Saudi Arabia to implement the remedial measures identified in the joint statements made by Canada and other States at the 40<sup>th</sup> and 42<sup>nd</sup> sessions of the Council.

### **Samar Badawi nominated for the Robert F. Kennedy Human Rights Award**



**Samar Badawi**

LRWC [nominated imprisoned Saudi Arabia human rights defender Samar Badawi](#) for the 2020 Robert F. Kennedy Award. Samar is a prominent human rights advocate unlawfully imprisoned since her arrest on 31 July 2018. She is married to Waleed Abu al-Khair with whom she worked to peacefully lobby for improved rights for all in Saudi Arabia. Waleed Abu al-Khair founded the Monitor of Human Rights in Saudi Arabia. After his arrest in April 2014, Samar Badawi managed the organization until it was closed down by authorities. Until her arrest in July 2018, [Samar Badawi](#) continued to peacefully voice the need for the Saudi regime to recognize internationally protected rights and remedy grave abuses including the release of Waleed

Abu al-Khair, her brother Raif Badawi, and other unlawfully imprisoned human rights defenders. Waleed and Samar have a daughter born in June 2014. The award is given to a person who exemplifies the belief that the power of individual moral courage can overcome injustice.

### **SOUTH SUDAN**

#### **Extended mandate of UN Commission on human rights in South Sudan**

Twenty-three human rights NGOs, including LRWC published an [open letter on 6 February](#) calling on Members of the Human Rights Council to vote for, and other States to support, a resolution extending the mandate of the UN Commission on Human Rights in South Sudan. Signing of the Revitalised Peace Agreement for Resolution of the Conflict in the Republic of South Sudan (RARCSS), on 12 September 2018, has not ended the conflict or provided safety for the people of South Sudan. Ongoing violence and corruption has destroyed agriculture, and on 20 February the UN declared a famine in which 100,000 people face starvation and one million are on the brink of famine. The three-person Commission, created March 2016, [reported to the Council on 9 March 2020](#) that “killing, torture, rape, intentional starvation of civilians, intimidation, displacement, enforced disappearance and corruption have become the norm” and that “[c]orrupt officials have brazenly looted and plundered millions of dollars, depriving millions of South Sudanese civilians of access to basic services, exposing them to severe hunger, while corruption has made a small group of officials extremely wealthy.” The Commission has called for criminal accountability for these violations.

### **TURKEY**

#### **Pregnant lawyer released – thanks extended to LRWC**

Lawyer Esra Uymaz Saral was released on 13 February 2020 at her first hearing of charges related to an attempted coup in 2016. She sent a message to LRWC saying, “We can't thank you enough for your support and solidarity.” LRWC had sent a letter on [21 January](#) (Brian Samuels) calling for the immediate release of Esra Uymaz Saral and two other women lawyers. She was arrested and charged based on an allegation that she had had a messaging application, ByLock, on her mobile phone. In 2017, the Turkish courts had ruled that having the app, which was widely available to anyone,

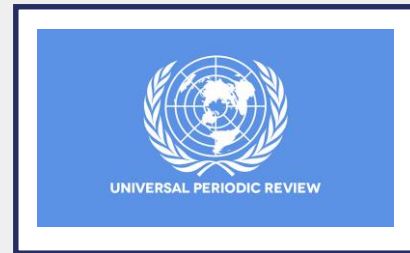


**Esra Uymaz Saral**

was sufficient proof that someone was a member of the Gulen movement suspected of masterminding the 2016 attempted coup. Thousands of people have been arrested and prosecuted on a variety of overbroad charges based on allegations of some connection with ByLock, which is now long defunct. LRWC's letter pointed out that since then the UN Human Rights Committee and the UN Working Group on Arbitrary Detention have both concluded that detentions, arrests, and convictions based on the alleged or established use of the ByLock mobile phone messaging application violate Articles 19, 21 and 22 of the *International Covenant on Civil and Political Rights*. Conviction or detention on these grounds is therefore unlawful.

### **Report on the UPR/Turkey recommends reform to laws and courts**

In January 2020, Turkey underwent its 3<sup>rd</sup> Universal Periodic Review (UPR). LRWC, as part of an international coalition of legal organizations (referred to as "JS12" in the UPR [Stakeholders Report](#)), contributed to a [joint submission](#) that detailed erosion of judicial independence, unlawful convictions and detentions of lawyers, denial of timely and confidential access to clients, and the absence of fair trials. The joint submission identified the urgent need to amend penal statutes to conform with international law requirements of certainty. The Law Society of England and Wales filed the joint submission and also prepared and distributed to States at the UPR Pre-session, a summary of the concerns raised and recommended remedies ([Erosion of judicial independence and attacks on lawyers in Turkey](#)). Issues addressed by States' recommendations included the need to bring Turkey's anti-terrorism laws into conformity with international human rights law, and to take measures to protect human rights defenders and respect internationally protected rights. In view of widespread and systematic abuses against lawyers, judges, human rights defenders, journalists, and others in Turkey and the significant contributions of NGOs to accurately identify abuses and recommend legally required remedies, the results of the UPR were disappointing. Follow-up for LRWC and other NGOs might include a statement at the June session of the Human Rights Council calling for reforms to uphold the rights of lawyers and other human rights defenders, amend penal laws, and ensure judicial independence.



### **Nine activists re-arrested within hours of acquittal**

In February 2020, nine activists accused of terrorism charges over their involvement in Istanbul's Gezi park protests – among them prominent philanthropist Osman Kavala – were acquitted in a surprise ruling. Unfortunately, as has now become less than surprising, within hours of acquittal, a new warrant from the Istanbul prosecutor's office called for Kaval's re-arrest as part of an investigation into the failed 2016 coup, and under the charge of attempting to overthrow the constitutional order.

### **UNITED ARAB EMIRATES**



LRWC joined 37 NGOs and 19 human rights specialists to endorse a [21 February letter](#) drafted and distributed by the Gulf Centre for Human Rights (GCHR) and the International Campaign for Freedom in the UAE. The joint letter, released in time for the Hay Festival in Abu Dhabi (25 - 28 Feb) calls for the unconditional release of unlawfully detained human rights defenders, academics, and writers and for UAE to respect freedom of expression during the festival. The letter calls for the release of lawyer Dr. Mohammed Al-Roken, arbitrarily detained since July 2012; academic Fe. Nasser Bin Ghaith, detained since March 2017; and engineer and prominent human rights defender Ahmed Mansoor, detained since March

2017. LRWC contributed to the text of the letter.

## YEMEN

### Five Years of Data on Saudi-led Air War

26 March 2020 marks five years of the Saudi-led coalition air war in Yemen that has injured and killed more than 18,400 civilians. The [Yemen Data Project \(YDP\) reports](#) that in the five-year period, there were at least 20,624 air raids. Of 8,672 civilians killed, 25 percent were women and children. On average there were 11 Saudi coalition air raids and 10 civilian casualties per day. The YDP reports enormous numbers of civilian deaths and injuries from air raids. Hospitals and clinics were bombed 83 times, killing 95 civilians and injuring 116. Schools and universities were bombed 281 times, killing at least 272 civilians including 32 children, and injuring 212. There were 217 air raids on market places killing 847 civilians and injuring 519. Civilian buses and vehicles were hit 341 times killing 867 civilians including 108 children, and injuring 502. The northern governorate of Sa'ada has been the most heavily bombed in Yemen with 24% of air raids and with 3,499 civilian casualties. Taiz was the second most heavily targeted with 2,659 air raids and Sana'a saw the second highest number of civilian casualties with 2,931 dead due to 2,459 air raids in the five-year period. LRWC has advocated for cessation, [accountability](#) and [an end to Canada's arms sales](#) to Saudi Arabia.

## UNHRC PARTICIPATION

### UN HUMAN RIGHTS COUNCIL – 43<sup>rd</sup> Session, 24 February to 22 March

The COVID-19 pandemic led to progressive limitations to the work of the 43<sup>rd</sup> session of the Human Rights Council, and on 12 March the Council suspended the session until further notice, “given the circumstances surrounding COVID-19.” LRWC had no volunteers in attendance at the session but coordinated with the International Commission of Jurists for an [oral statement on the situation of human rights in South Sudan](#).

### Renewal of Mandates of UN Human Rights Council Special Procedures

On 6 February 2020, LRWC joined 22 NGOs in signing a [letter](#) drafted by the East and Horn of Africa Human Rights Defenders Project (“Defend Defenders”) to all UN Human Rights Council member States and Observer States calling for their active support for extension of the mandate of the UN Commission on Human Rights in South Sudan.



### UN Human Rights Council Special Procedures

As reported by the International Service for Human Rights (ISHR), “Before suspending the session, the Council appointed the [19 mandate holders](#) and adopted a decision to “extend all mandates and mandated activities that would otherwise expire, until the date on which they can be considered by the Council when the 43<sup>rd</sup> session is resumed.”

### NGOs call on States to support renewal of mandate for the UN Special Rapporteur on HRDs

LRWC joined 43 NGOs in signing a [25 February letter](#) produced by the ISHR. The letter called on all UN Human Rights Council member States to demonstrate support and recognition for the indispensable role played globally by human rights defenders to ensure the universal enjoyment of freedom, dignity, justice and equality by supporting extension of the mandate of the Special Rapporteur on Human Rights Defenders. The letter asks States to participate in negotiations on and co-sponsor the resolution; oppose attempts to dilute the mandate or State obligations; and supporting consensus renewal of the mandate.

The mandate of the Special Rapporteur on the situation of HRDs was extended on 13 March 2020. Mary Lawlor, founder of Front Line Defenders, was appointed to replace Michel Forst, who had been the Special Rapporteur since 2014. The March 2020 reports of the Special Rapporteur on the Situation of Human Rights Defenders can be accessed [here](#) (scroll down). Mr. Forst wrote the Foreword for LRWC new publication, *Attacking the Defenders: Criminalization of human rights defender A guide to the international law*



*rights of human rights defenders*, by Lois Leslie BSocSc (Hons), LLB, LLM with a Foreword by Michel Forst.

LRWC is currently planning for written and oral statements and the presence of volunteers in Geneva at the 44<sup>th</sup> session of the Council in June 2020 and the 45<sup>th</sup> session in September 2020.

## PUBLICATIONS

[Canada's international human rights law obligations](#) to suspend construction of the Coastal GasLink Pipeline and stop use of force against the Wet'suwet'en, 16 March 2020, Gail Davidson and Heather Neun with assistance from Catherine Morris, Gavin Magrath and Helen Lau.

## INTERNATIONAL CRIMINAL COURT

### [Appeals Chamber authorizes investigation](#) of alleged crimes in Afghanistan



On 5 March 2020 the [Appeals Chamber of the International Criminal Court \(ICC\) ruled](#) that the Pre-Trial Chamber erred in rejecting the Prosecutor's request for authorisation to open an investigation into alleged war crimes and crimes against humanity committed between 2003 and 2014 by, including, among others, the Central Intelligence Agency and United States (US) Armed Forces in Afghanistan. The scope of the ICC decision also includes investigation into CIA black sites operated in the territories of other state parties to

the Rome Statute such as Poland, Lithuania and Romania. In response to the decision, Secretary of State, Michael Pompeo, [stated](#) that the US is not a party to the ICC and rejects the ruling, calling it reckless and a "breath-taking action by an unaccountable political institution." US officials have previously pressured the ICC not to prosecute US citizens, warning that such an action would threaten American sovereignty and national security interests. Previously, the US government stated it would revoke or deny visas to ICC staff seeking to investigate alleged war crimes and other abuses committed by the US and has revoked the visa of the ICC chief prosecutor, Fatou Bensouda. LRWC objected to US threats to ICC prosecutors, judges and staff in letters dated [28 March 2019](#), [9 April 2019](#) and [12 April 2019](#).

### **Venezuela files complaint based on US sanctions**

The ICC's 5 March decision on Afghanistan could be a way forward for Venezuela after the country's top diplomat, Foreign Minister Jorge Arreaza, made a [referral](#) on 13 February 2020 to the Office of the Prosecutor detailing how the economic warfare and US sanctions has caused suffering to millions of Venezuelans. For more than a decade, the US administration has imposed a series of sanctions on Venezuela, which the Trump administration increased after the election of the Venezuelan president, Nicolás Maduro, which the US claimed was invalid. The Trump administration has been supporting the installation of Juan Guaidó as president through various sanctions targeting the State oil company, the State-run airline and by freezing the assets of Maduro and other top officials in his government. The brief presented to the ICC by Arreaza details how Venezuela has been forced to give up rights to its own oil in order to keep the country's economy from collapsing. As Venezuela is a State Party to the Rome Statute, crimes against humanity within its borders fall under the jurisdiction of the Court and could qualify as crimes for which the US authorities could be prosecuted based on the decision by the Appeals Chamber. For more information about US actions against Venezuela [see articles by LRWC Director Marjorie Cohn](#)



**Fatou Bensouda**

### **Canada opposes ICC investigation of Israel**

Canada submitted a letter to the ICC on 14 February 2020 stating that Canada does not recognize Palestine as a state and therefore the Court has no jurisdiction to investigate crimes allegedly committed by Israel in East Jerusalem, West Bank and Gaza. [The letter](#) was reportedly sent in response to pressure from Israeli Prime Minister, Benjamin Netanyahu, to oppose ICC involvement and the prosecutor's request for permission to open an investigation. The [preliminary report](#) of the ICC prosecutor [found, among other things, a reasonable basis](#) that "war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip," and that "there are no substantial reasons to believe that an investigation would not serve the interests of justice." Canada's [letter](#) also reminded the Court that its "financial contribution to the ICC will be \$10.6 million this year."

## **WORKING PRO BONO during February - March 2020**

Clive Ansley, Temisan Boyo, Hanna Bokhari, Harjot Brar, Gail Davidson, Joey Doyle, Sebastian Ennis, Sarah Gale, Heather Neun, Helen Lau, , Gavin Magrath, Catherine Morris, Renee Mulligan, Arturo Pacheco, Parveen Parmar, Brian Samuels QC, Rhiannon Vader-Rikhof.

## **COOPERATION WITH OTHER NGOS**

During March and February, LRWC worked in cooperation with numerous NGOs in Asia, Europe, Canada, the United Kingdom, United States, Africa and South America.

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