

# INTERNATIONAL HUMAN RIGHTS ACTION NEWS

## Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

Promoting human rights by protecting those who defend them

### MESSAGE FROM THE EXECUTIVE DIRECTOR

Attacks on lawyers and human rights defenders have the effect of denying clients their internationally protected right to independent, effective legal representation and fair trials. The autumn 2021 edition of ACTION NEWS summarizes LRWC's work from 1 July to 15 October 2021 regarding defenders at risk in countries on all continents. During the 3rd quarter of 2021, LRWC has made a number of interventions at the UN Human Rights Council (photo below).



The human rights crisis in **Afghanistan** has dominated the attention of human rights defenders around the world, including LRWC, since the Taliban completed its armed takeover of the country on 15 August 2021. There are now dramatically heightened risks for people in Afghanistan who have been working to uphold human rights and the rule of law.

In **China**, persecution of lawyers and human rights defenders continues, and its actions in international bodies such as the UN Human Rights Council continue to thwart effective human rights interventions in Afghanistan, Myanmar, and other places.

LRWC has also focused during the past quarter on Colombia, Iran, Turkey, and the Philippines. LRWC continues to monitor the dire situation of land and environmental rights defenders and to advocate for access to remedies for violations of Indigenous Peoples' rights in Canada and elsewhere.

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### NEWS AND UPDATES

AUTUMN 2021

JULY - SEPTEMBER 2021

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*Executive Director's message, continued****You can help protect lawyers under attack with your membership and donations***

The protection of international human rights lawyers and defenders around the world is crucial, and LRWC is often called on for advocacy. LRWC can continue its work only with the support of our community of members and readers. We invite you to support LRWC's work by becoming a member or renewing your membership. LRWC does not receive funding from any government and is supported through membership fees and donations. You can click [here](#) to learn how to donate to LRWC or become a member today.

With gratitude for your solidarity and support,

Catherine Morris  
Transitional Executive Director, LRWC

## Countries of Concern

### AFGHANISTAN



Ms. Shaharзад, Akbar, Chair of the Afghanistan Independent Human Rights Commission, speaking to the UN Security Council, 7 August 2021

The situation in Afghanistan has been on the minds of governments and human rights advocates around the world since the Taliban took control of the country by force on 15 August 2021. LRWC has been increasingly alarmed by reports of human rights violations around the country, including reports of restrictions on freedoms of women, particularly those working as judges, lawyers, and human rights defenders.

LRWC has long been engaged in condemning the actions of States that [unlawfully](#) participated in or supported the lengthy armed conflict in Afghanistan. Violations have included unlawful transfer, detention and [torture](#) of combatants, and other alleged war crimes. LRWC has also condemned the [vilification, threats, and attacks](#) against those working to hold suspected perpetrators of international crimes to account. See the article by LRWC director, Marjorie Cohn, listed below under Publications, on the unlawfulness of the 2001 United States-led invasion of Afghanistan and subsequent war crimes. Below is a summary of LRWC's recent actions on Afghanistan, which have emphasized the need for an independent investigative mechanism on human rights in Afghanistan.

**Lawyers around the world are under attack for representing victims of human rights violations.**

Visit [LRWC.org](https://LRWC.org) to learn more and donate

***Afghanistan, continued...*****Press statement 17 August 2021: Uphold the rule of law in Afghanistan**

On 17 August 2021, LRWC issued a [press statement](#) calling on all States to urgently insist that Afghanistan respect its international human rights law obligations, and to “take swift action to advocate and ensure the safety of civilians in Afghanistan, including judges, lawyers, legal academics, law students, journalists and other human rights defenders reported to be at grave risk as a result of their work to uphold internationally protected human rights and the rule of law.”

The press statement noted that early statements by Taliban leaders that they intended to uphold rights were unconvincing. The Taliban hedged this commitment with a proviso that women’s rights would be subject to Islamic law. They promised media independence but said that journalists “should not work against national values.” These [statements](#) do not conform to Afghanistan’s obligations under international human rights treaties to respect and enable freedom of expression, including the right to publish information and opinions about issues of public interest. Since mid-August, it has become obvious that the Taliban has no intention to uphold Afghanistan’s international human rights obligations.

**Afghanistan: Joint statement seeks fact-finding mechanism**

On 24 August 2021, LRWC was one of 33 non-governmental organizations (NGOs) from around the world given speaking slots to address the UN Human Rights Council at its emergency Special Session on Afghanistan. LRWC’s [statement](#) called for an end to decades of impunity for grave violations of international human rights and the law of armed conflict (international humanitarian

law) by Afghan and foreign actors in Afghanistan. The statement also called attention to alarming reports of grave violations by the Taliban including “massacres of civilians, assassinations of defenders, arbitrary detentions, unlawful restrictions on [the] rights of women and girls, and violent dispersal of peaceful protests.”

LRWC again called on the Council “to establish an international fact-finding mechanism adequately resourced and staffed for sustained monitoring of human rights and humanitarian law violations and to collect, preserve, and prepare evidence of violations for use in fair and independent prosecutions.” LRWC’s statement was joined by the International Bar Association and The Law Society of England and Wales.

**Human rights violations worsening in Afghanistan: Statement to the Human Rights Council**

On 14 September 2021, LRWC’s Harini Sivalingam gave an oral statement at the 48th regular session of the Human Rights Council. Part of LRWC’s statement expressed alarm about the Taliban’s increasing violation of human rights, including extrajudicial killings, beatings, arbitrary detentions, and use of “live ammunition, batons and whips” to disperse peaceful protests of women and defenders. The statement reiterated LRWC’s call for an international investigative mechanism, “as urged by the High Commissioner, Special Procedures, and Afghanistan’s Independent Human Rights Commission.”

**“Protect Afghanistan’s truth-tellers: Human rights defenders in a world of diplomatic doublespeak”**

On 15 September 2021, an [article](#) by LRWC’s Executive Director, Catherine Morris, was published in Canada’s online legal magazine,

# JOIN LRWC

LRWC is a committee of lawyers and other human rights defenders who promote human rights, the rule of law, and protection of human rights defenders through advocacy, research and education. Please consider becoming a member of LRWC to help support our work.

**Visit <https://www.lrwc.org/join/>**

~ Yes ~

I'd like to donate to

Lawyers' Rights Watch Canada

### ***Afghanistan, continued...***

*Slaw.ca* The article outlines concerns about the inadequacy of action by the UN Security Council, the UN Human Rights Council, and many States in the face of the deteriorating human rights situation in Afghanistan.

### **Responding to Scholars under Threat in Asia: Afghanistan and Beyond**

On 16 September 2021, LRWC's Catherine Morris gave a presentation on the situation of human rights in Afghanistan as part of an online panel for the Centre for Asia-Pacific Initiatives (CAPI) at the University of Victoria. Ms. Morris is an Associate of CAPI.

### **Afghanistan: Urgent need for international investigative mechanism**

On 24 September 2021, LRWC gave another [statement](#) on Afghanistan to the UN Human Rights Council. Read by LRWC's Paria Saremi, the statement noted the increasing urgency of international action to prevent further deterioration of human rights in Afghanistan. The statement reiterated concerns about the safety of jurists and human rights defenders, and noted "increasing worries about destruction of evidence of grave violations, including fears for the safety of victim witnesses and those who have amassed archives of information about atrocity crimes over the past two decades."

The statement noted the inadequacy of the resolution adopted by the Council at its 24 August Special session and called for the creation of a mechanism "adequately staffed and resourced to conduct sustained investigation, monitoring and reporting on the human rights situation; and to collect, secure, and prepare evidence of serious violations for use in fair and independent prosecutions."

### **ICC prosecutor renews investigation of international crimes in Afghanistan**

On 27 September 2021, the Prosecutor of the International Criminal Court [announced](#) his intention to resume the investigation into international crimes in Afghanistan, giving priority to investigation of alleged crimes by the Taliban and the Islamic State, and deprioritizing crimes by other States. See the entry under "International Criminal Court" below for more detail about the Prosecutor's decision.

### **Panel presentation: "Reflections on Afghanistan," University of Victoria**

On 29 September 2021, Catherine Morris gave a presentation on the human rights situation in Afghanistan for an online panel featuring interdisciplinary "Reflections on Afghanistan" by UVic scholars on Afghanistan. The panel was organized by Centre for Global Studies at the University of Victoria.

### **New UN Human Rights Council resolution creates Special Rapporteur on Afghanistan**

On 7 October 2021, the UN Human Rights Council adopted a resolution to appoint a Special Rapporteur to monitor the situation of human rights "as it develops in Afghanistan." The resolution did not achieve a consensus: 28 members of the Council voted in favour and 5 against, with 14 abstentions. Voting against the resolution were China, Eritrea, Pakistan, Russia, and Venezuela.

## **BELARUS**

### **Belarus: Persecution and repression of legal professionals**

LRWC joined the International Bar Association's Human Rights Institute, Lawyers for Lawyers, and The Law Society of England and Wales in a 24 September 2020 oral video statement to the UN Human Rights Council expressing "deep concern" that the human rights situation in Belarus has further deteriorated despite the Council's March 2021 resolution. The resolution mandates an Examination of the human rights situation in Belarus by the UN Office of the High Commissioner for Human Rights (OHCHR) who appointed three independent human rights experts, including Ms. Karinna Moskalkenko (Russian Federation), Ms. Susan Bazilli (Canada), and Mr. Marko Milanović (Serbia).



UN High Commissioner for Human Rights Michelle Bachelet, update on Belarus, UN Human Rights Council, 24 September 2021



**Belarus, continued...**

A [Special Rapporteur](#) on the situation of human rights in Belarus has been in place since 2012. Since the crackdown on dissent after the [August 2020 election](#) lawyers have been subjected to criminal charges and at least 23 disbarments on unfounded grounds. LRWC's previous advocacy on Belarus has included joint statements on [28 June 2021](#) and [5 July 2021](#). The [High Commissioner's report](#) on 24 September 2021 noted that the government of Belarus has announced it will not cooperate with the Examination. The High Commissioner expressed alarm about "persistent allegations of widespread and systematic torture and ill-treatment in the context of arbitrary arrests and detention of protesters" including gender-based violence in detention.

**BURUNDI****The Human Rights Council should continue its scrutiny of Burundi**

LRWC was among 43 NGOs signing a [letter](#) 19 August 2021 to member and observer states of the UN Human Rights Council urging renewal of the mandate of the Commission of Inquiry (CoI) on Burundi for a further year. The letter noted that the human rights situation in Burundi has not changed in a substantial or sustainable way, that all "the structural issues the CoI and other human rights actors have identified since 2015 remain in place" and that serious violations continue with impunity. While "some human rights defenders have been released, national and international human rights organisations are still unable to operate in the country." Instead of extending the mandate of the CoI, the Council adopted a [resolution](#) to appoint a Special Rapporteur to monitor and report on human rights in Burundi.

**CAMBODIA****"Vortex of power" deprives Cambodians of right to political participation, Joint Statement to the UN Human Rights Council**

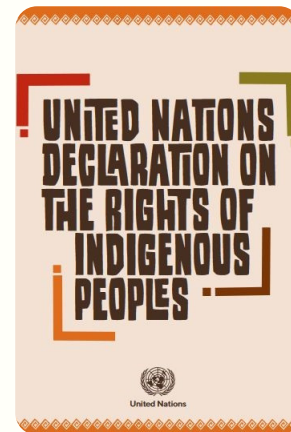
LRWC was joined by the International Commission of Jurists in an oral video statement on the continued regression of human rights in Cambodia at the UN Human Rights Council on 6 October 2021. The joint statement concurred with the UN Human Rights Council's new Special Rapporteur on Cambodia that a "vortex of power" accumulated over decades by the same ruling

authorities has resulted in steady consolidation of the ruling party's political and economic influence. Cambodia has abolished the only effective opposition party and now has a one-party parliament.

Cambodia's ruling party creates vague and overbroad laws and decrees that are routinely abused to harass and arbitrarily detain human rights defenders. "Power accumulation is at the root of Cambodia's failure to ensure the independence and integrity of judges and lawyers, and equal access to effective legal representation and remedies," said the statement. See LRWC's [ongoing advocacy](#) on human rights in Cambodia.

**CANADA**

At the recent 48th session of the UN Human Rights Council, Canada's violations of the rights of Indigenous Peoples were singled out in several reports by the UN Expert Mechanism on the Rights of Indigenous Peoples ([EMRIP](#)), including its [Annual Report](#), its report on [Indigenous children](#) around the world, and its report on global [Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP).



In its Annual Report, the EMRIP [urged](#) the Human Rights Council to call upon States to ensure protection of Indigenous human rights defenders. In this context, LRWC notes Canada's policy to [protect human rights defenders](#) worldwide. LRWC has advocated that Canadian authorities halt all forms of harassment of Indigenous land rights defenders exercising their [right of peaceful protest](#). LRWC continues to monitor the situation of Indigenous land rights defenders. In its report on Indigenous children, the EMRIP singled out Canada, mentioning the discovery of the remains of indigenous peoples, including children,

**Canada, continued...**

on the grounds of former residential schools in Canada. In this regard, Canada is obligated at international law to ensure thorough, prompt and impartial investigation of the circumstances of all undocumented deaths with [full consultation and “respect for the families and communities of the victims.”](#) In its June 2021 statement, LRWC stated that,

Given the historical lack of confidence in the impartiality of investigations by the Royal Canadian Mounted Police or other Canadian government authorities, LRWC calls for a fully independent inquiry, as required by as required by international human rights law and standards set out in the [Minnesota Protocol](#), and [that is] directed by representatives chosen by Indigenous Peoples in accordance with their own procedures.

In its report on implementation of the UNDRIP, the EMRIP emphasized that self-determination of Indigenous Peoples is a [“foundational right”](#) that can be realized only through implementation of “the full panoply of rights... rights to land, territories and resources, political participation, consultation and free, prior and informed consent and cultural rights.” The EMRIP noted that some Indigenous Peoples view the denial of the right to self-determination as “a root cause of atrocities, such as residential schools, murdered and missing indigenous women and girls or stolen children, as well as the negative impacts on health, economic and social well-being and justice.” LRWC stands with Indigenous rights advocates in Canada asserting their right to self-determination in these contexts.

The EMRIP emphasized that States must make laws “consistent with the right to self-determination of indigenous peoples and [their right to their land, territory and resources.](#)” LRWC observes that while Canada and the Province of British Columbia have adopted legislation to implement the UN Declaration on the Rights of Indigenous Peoples, Indigenous Peoples await its timely implementation with considerable concern given Canada’s historic failure to implement obligations, promises and UN recommendations.

LRWC continues to monitor and advocate for Canada’s fulfillment of UN human rights bodies’

recommendations including [concrete measures for accountability, redress](#) and compensation for all forms of violations of the right to self-determination and to lands, territories and resources.

**CHINA****Ongoing systematic violations of international legal norms in China and Hong Kong SAR**

China’s failure to abide by the most fundamental norms of international human rights law continues to pose serious concerns as the Chinese Communist Party (CCP), the effective government of the Chinese Party/State, continues its [grave violations](#) with impunity. China has [resisted calls for official visits](#) by independent UN human rights experts, the UN [High Commissioner for Human Rights](#), and numerous States, including Canada, to investigate myriad allegations, including reports of widespread surveillance, enforced disappearance, and torture of dissidents and ethnic and religious minorities.

There is evidence of forced detention of up to a million Uyghur people in the Xinjiang Uyghur Autonomous Region (XUAR). According to several States and human rights organizations, the situation in XUAR rises to the level of [crimes against humanity](#) or [genocide](#).

In addition, years of persistent concerns about [forced organ harvesting](#) were raised in June 2021 by a [dozen independent UN human rights experts](#) concerned about discriminatory harvesting from religious and ethnic minorities, including Falun Gong practitioners, Uyghurs, Tibetans, Muslims and Christians in detention in China. In September 2021, China issued a harsh [denial](#) of the allegations, saying they are “groundless,” “filled with malice and prejudice,” “despicable machinations,” and “lies” by UN experts who, China says, “politicize human rights issues and attack and slander sovereign States.”

Meanwhile, China continues its systematic crackdown against [human rights lawyers](#), defenders, and dissenters. China’s election to the UN Human Rights Council by the General Assembly in October 2020 has contributed largely to weak resolutions in 2021 on grave human rights situations elsewhere (see entries herein on Myanmar and Afghanistan).

Independent UN human rights experts have

**China, continued...**

recently raised serious concerns about the situation of human rights lawyers and defenders in Hong Kong as the overbroad [National Security Law](#), passed in June 2020, is now being improperly used to detain lawyers and defenders on sedition and terrorism charges, stifling the exercise of internationally protected rights to freedom of expression and opinion, association, peaceful assembly, and participation in public affairs.

### China: How the ‘trials’ of two Canadians detained in China show the importance of the rule of law



Court room in the People's Republic of China  
([Wikimedia Commons](#))

In August 2021, LRWC re-published an op-ed that had originally appeared in the *Hong Kong Free Press* and the *Taipei Times* in March 2021 illustrating how the prison experiences of Canada’s “two Michaels” – Kovrig and Spavor – during more than 800 days in custody in China reflect systemic features of China’s legal system. China fails to meet fundamental international human rights law and standards for fair trials. Torture and ill-treatment are routine.

The op-ed was written by LRWC’s China monitor, [Clive Ansley](#), with David Kilgour and Peter Lamont. Clive Ansley is a former professor of Chinese law. David Kilgour is a former Canadian Member of Parliament, and Peter Lamont is a retired military judge who studied law in China. The article points out that while torture in China’s legal system is systemic, it is unlikely that the two Michael’s were tortured, although “many who are familiar with conditions in Chinese prison and detention centres say incarceration is torture in and of itself.” The unfair, secret trials to which Spavor and Kovrig were subjected are routine.

According to the authors,

A saying known to every Chinese litigation lawyer is: “Those who make the judgements have not heard the case; those who hear the case don’t make the judgement.” Chinese “courts” at all levels include an internal and invisible Adjudication Committee, consisting of the Court President and several other judges. The Secretary (chairman) of the Court’s CCP drives the agenda. The Adjudication Committee meets in secret and hears the recommendation of the presiding trial judge. The prosecutor is often present, but nobody represents the accused. The Committee may also hear privately from any party/state officials.

The Adjudication Committee instructs the three trial judges who then reconvene the “Court” and solemnly pronounce the committee’s decision as their own, whether they agree with that decision or not.

### LRWC joins mid-term report to UN Human Rights Council on China’s failure to fulfill promises made during its 2018 Universal Periodic Review

China’s has failed to keep promises it made during its 2018 Universal Periodic Review (UPR) by the UN Human Rights Council. During the UPR, China voluntarily [accepted](#) three recommendations regarding access to lawyers, the effective protection of lawyers against harassment, and the right of freedom of expression of lawyers.

In preparation for the UN Human Rights Council’s 2024 [Universal Periodic Review](#) (UPR) of China in 2024, LRWC joined Lawyers for Lawyers in a [mid-term report](#) reviewing the extent to which China has implemented the three UPR recommendations it accepted in 2018. The mid-term report concludes that China has failed to take substantive steps to implement the recommendations it accepted. The mid-term report urges China to fulfill its commitments to enable lawyers to perform their professional functions without intimidation, hindrance, harassment or improper interference, uphold the right to fair trial, and guarantee the equal right of everyone to effective access to

***China, Continued...***

justice and legal assistance of their choice, and to allow lawyers to exercise their right to freedom of expression, opinion, belief, association and peaceful assembly

**China: Statement to UN Human Rights Council cites China's failure to keep UPR promises**


Chang Weiping

On 1 October 2021, LRWC led an oral [statement](#) to the UN Human Rights Council pointing out China's failure to implement UPR recommendations it accepted in 2018 (see above). The statement pointed out that China continues to persecute lawyers and defenders without improvement to freedom of expression or fair trial rights.

The statement also pointed out that China is not fulfilling its responsibilities as a member of the Council. All Council members are required to uphold the "highest standards of human rights" pursuant to UN General Assembly resolution 60/251 adopted in 2006.

Lawyers for Lawyers, the International Bar Association's Human Rights Institute, and the Law Society of England and Wales, International Service for Human Rights, and the International Commission of Jurists joined LRWC's statement.

The statement cited the situation of human rights lawyer, Mr. [Chang Weiping](#), who has been arbitrarily detained since October 2020 in an unknown location. The detention of Chang Weiping violates China's domestic and international law obligations. Chang Weiping had no access to a lawyer until 14 September 2021, at which time he reported that he had endured [torture](#) and ill-treatment during detention. Mr. Chang reported that during the period from October 2020 to April 2021 he was "restrained in an interrogation device known as a 'tiger chair' for six consecutive days," was subjected to sleep deprivation, and was able to shower only six times. Chang Weiping is now suffering ill-health.

**COLOMBIA**
**Mid-term report on implementation of UPR recommendations shows continued harassment and threats to defenders**

In 2018, the UN Human Rights Council (HRC) conducted its third regular Universal Periodic Review (UPR) of Colombia. During the UPR, Colombia accepted more than two dozen recommendations for protection of human rights defenders, including lawyers. In September 2021, LRWC joined Lawyers for Lawyers (L4L) and the Colombian Caravana in a [mid-term report](#) to the HRC. The report concluded that, two years later, Colombia has not taken adequate measures for the effective protection of human rights defenders and has failed to conduct timely and impartial investigations into threats and attacks against defenders. Since May 2018, a number of defenders have been harassed, threatened, and subjected to illegal surveillance.

**Colombia's failure to protect lawyers in danger: Joint oral statement to the UN Human Rights Council**

LRWC took the lead in a statement on 1 October 2021 by six human rights NGOs to the UN Human Rights Council. Citing the joint mid-term report (see above), the [joint oral video statement](#) emphasized Colombia's failure to make progress in implementing the recommendations it accepted during its 2018 UPR. Lawyers and defenders continue to be in danger in Colombia, and protection measures remain inadequate.

**IRAN**
**Iran criminalizes and imprisons lawyers as a strategy to deny legal representation**
Mr. Amir Salar  
DavoudiMs. Nasrin  
Sotoudeh

LRWC continues to monitor the situation of human rights lawyers and defenders in Iran. LRWC was joined by Lawyers for Lawyers, the International Bar Association's Human Rights Institute, and the Law Society of England and Wales in a statement to the UN Human Rights



***Iran, continued...***

Council expressing concern that Iran and Turkey are systematically criminalizing and imprisoning lawyers as a strategy to deny human rights defenders and political opponents their right to independent, effective legal representation.

The statement referred to human rights lawyers Mr. Amirsalar Davoudi and Ms. Nasrin Sotoudeh, “both of whom have been subjected to arbitrary arrests, unfair trials, lengthy prison sentences, and ill-treatment, including prolonged solitary confinement and denial of adequate medical care.”

**MYANMAR****Continued widespread, systematic gross human rights violations**

LRWC continues to monitor the grave human rights situation in [Myanmar](#), which continues to deteriorate since the military coup in February 2021. LRWC joined with other international NGOs in an oral video statement to the September session of the Human Rights Council seeking a UN Security Council referral of the situation in Myanmar to the ICC.

The military junta’s extrajudicial killings of civilians, including children, have increased to more than 1,100. [Arbitrary detentions](#) increased to more than 9,000 with more than 7,300 currently detained. A total of 65 people have been sentenced to death in unfair proceedings, including two children. There are frequent reports of torture and ill-treatment as well as enforced disappearance. Human rights defenders and journalists are at particular risk. Those detained are routinely denied access to lawyers and are kept in incommunicado detention. On 7 September 2021, the elected government (deposed in the coup) declared a ‘defensive war’ against the military junta, which has accelerated violations of human rights and humanitarian law by the military.

LRWC continues to advocate for a referral by the UN Security Council to the International Criminal Court for investigation of alleged crimes against humanity and ongoing genocide against the Rohingya. On 24 September 2021, LRWC joined the International Bar Association’s Human Rights Institute, the Law Society of England and Wales, Lawyers for Lawyers, in a statement to the UN Human Rights Council condemning the ongoing gross human rights violations in Myanmar and

***Myanmar, continued...***

urging the investigation of these large-scale and systematic abuses.

On 1 October 2021, LRWC led a [statement](#) regretting the fact that the coup has resulted in the delay of an Interactive Dialogue on Myanmar’s 2021 Universal Periodic Review for two consecutive Council sessions; the statement was joined by Lawyers for Lawyers, the International Bar Association’s Human Rights Institute, and the Law Society of England and Wales, International Service for Human Rights, and the International Commission of Jurists.

**PAKISTAN****Duty to protect lawyer Saif ul Malook from death threats**

Mr. Saif ul Malook

On 10 August 2021, LRWC wrote a [letter](#) to the government of Pakistan expressing alarm about death threats made against lawyer Mr. Saif ul Malook after a June 2021 acquittal of his clients, who had previously been sentenced to death for blasphemy in 2014. On 3 June 2021 the Lahore High Court dismissed the death sentence and called for the release of his clients. Mr Malook had also received death threats after the 2018 acquittal of his client, Asia Bibi, after her death sentence for blasphemy was overturned.

LRWC’s letter called on Pakistan to ensure the safety of Mr. Mulook and to ensure a thorough, independent and impartial investigation of all threats against him. LRWC also urged Pakistan to “repeal the criminal blasphemy laws and bring criminal laws that unlawfully curtail freedom of thought, conscience and religion into compliance with Pakistan’s international human rights obligations.”

## PHILIPPINES

### End the impunity for extrajudicial killings of lawyers and defenders

The “war on drugs” commenced by the Duterte government in 2016 has resulted in thousands of extrajudicial killings, including attacks and murders of dozens of human rights lawyers and defenders. There has been only a handful of investigations.

LRWC has been working for more than two decades to halt violations against lawyers in the Philippines. Since 2016, LRWC has intensified its advocacy to [halt the ongoing attacks and murders](#) of lawyers. LRWC has been working in collaboration with other human rights organizations to urge the UN Human Rights Council to establish an adequately-resourced international investigative mechanism to collect and preserve evidence of extrajudicial killings and other serious human rights violations.



LRWC worked with the National Union of Peoples' Lawyers (NUPL) in the Philippines to develop a [joint oral video statement](#) delivered on 7 October 2021, to the Council. The statement was joined by Lawyers for Lawyers, the International Association of Democratic Lawyers, the International Service for Human Rights, Union Internationale des Avocats, the International Bar Association's Human Rights Institute, and The Law Society of England and Wales. See more in the section on the International Criminal Court.

## SOUTH SUDAN

### Continued pattern of widespread violations

On 23 September, LRWC delivered an oral video statement to the UN Human Rights Council expressing concern about the continued pattern of widespread human rights violations against

### *Sudan, continued...*

human rights defenders in South Sudan, including repression of their rights to freedom of expression, association, and peaceful assembly. Of particular concern is the lack of investigation and accountability for the 2017 disappearances and murders of human rights lawyer Dong Samuel Luak and opposition politician Aggrey Idri. The statement was delivered as part of an Interactive Dialogue with the Council's Commission on Human Rights in South Sudan.

## SRI LANKA

### Entrenched Impunity for Human Rights Violations in Sri Lanka

On 14 September, LRWC made a statement to the UN Human Rights Council deploring Sri Lanka's lack of effort to implement recommendations by the UN Human Rights Council recommendations to strengthen accountability mechanisms for past violations. “Transitional justice has not only been stalled but reversed,” said the statement. “Families of the disappeared have been waiting more than 12 years for answers about their loved ones – they have received no justice or accountability.” LRWC also expressed alarm about increasing harassment of human rights defenders. LRWC called on the Council for creation of an international independent investigative body for Sri Lanka and reiterated previous calls for a referral of the situation in Sri Lanka to the International Criminal Court. LRWC also urged other States to exercise universal jurisdiction for purposes of prosecution of international crimes committed in Sri Lanka. See LRWC's history of advocacy on Sri Lanka since 2008.

## THAILAND

### Immediately repeal emergency regulation that threatens online freedoms

LRWC joined 17 international human rights organizations in a 3 August 2021 [statement](#) denouncing the new Regulation No. 29, which purports to respond to the COVID-19 pandemic by empowering authorities to censor online expression, and investigate and prosecute individuals responsible for communications that may “instigate fear.” Regulation No. 29 is one of several laws and regulations that muzzle freedom of expression and information online using laws and regulations that fail to measure up to Thailand's international human rights obligations.

***Thailand , continued***

Other non-compliant regulations and laws include Thailand's Emergency Decree; Regulations No. 1 and 27 pursuant to the Emergency Decree; the Computer-related Crimes Act B.E. 2560 (2017); and lèse-majesté, insult and criminal defamation provisions of Thailand's Criminal Code. Thai authorities routinely abuse such laws to criminalize persons who criticize the government or conduct human rights advocacy.

The joint statement urges Thailand to repeal or amend Regulation No. 29 to bring it into line with Thailand's international legal obligations under the International Covenant on Civil and Political Rights. The statement also calls on the Thai authorities to "cease their harassment and persecution of all individuals solely for exercising their rights to free expression and information, and drop existing charges against individuals facing prosecution for alleged violations of these laws." See LRWC's other advocacy on [Thailand](#).

**TURKEY****Concerns about access to the legal profession and increasing disbarments**

LRWC is [increasingly worried](#) about widespread, systematic human rights abuses by the government of Turkey against lawyers and other human rights defenders, particularly since the attempted coup against the Erdogan government on 15 July 2016.

On 19 July 2021, seven organizations, including LRWC, released a [joint statement](#) expressing concern about the "increasingly challenging and hostile environment in which lawyers in Turkey have had to operate since the state of emergency following the attempted coup in July 2016." Violations have included "mass arrests, raids, violent attacks, threats, surveillance, illegitimate criminal charges, unfair trials and harsh sentences in disregard of the most basic principles of the rule of law."

The statement expressed concern about increasing denial of access to the legal profession by Turkey's government as well as increasing disbarments. These internationally unlawful practices are based on Turkey's Attorneyship Law, which provides that conviction or imprisonment for certain crimes is an impediment to admission to the profession. In practice, decisions to refuse or postpone admission on these grounds are based either on the mere existence of a prosecution or an investigation of a

***Turkey, continued***

lawyer for certain offences. Some persons are being denied admission to the Bar on the basis of their advocacy for victims of human rights abuses.

Signatory organisations included the International Association of Young Lawyers, the International Association of Lawyers, the International Bar Association's Human Rights Institute, Lawyers for Lawyers, the Law Society of England and Wales, and the Netherlands Helsinki Committee.

**Turkey: Systematic attacks on lawyers denies the right to legal representation: Joint oral video statement to the UN Human Rights Council**

On 22 September 2021, LRWC led a joint oral statement to the UN Human Rights Council expressing concern about Turkey's systematic pattern of criminalizing and imprisoning lawyers. The joint statement called for the immediate and unconditional release of those detained for performing their work as lawyers and human rights defenders.

**VIET NAM****UN notes Viet Nam's pattern of reprisals against human rights defenders**

Viet Nam continues its campaign of judicial harassment of human rights defenders, including reprisals against those cooperating with the UN. Viet Nam is named in the UN's 2021 "[reprisals report](#)" as exhibiting a "[possible pattern](#)" of detention as a form of intimidation or reprisal against those seeking "to cooperate with the UN, its representatives, or its mechanisms in the field of human rights." The full report, released 17 September 2021, points to multiple allegations of "surveillance, cyber-attacks, intimidation, passport confiscation, arbitrary arrest and detention, and heavy sentencing against individuals and groups cooperating or attempting to cooperate with the UN. Multiple incidents of reprisals by Viet Nam were also reported in the UN's reprisals reports in 2019 and 2020.

On 20 September 2021, Viet Nam responded to a letter by several UN Special Procedures mandate holders, and admitted it had arrested Mr. Duong Khai, an Indigenous human rights defender, for commenting on and being in possession of a translated version of the UN *Declaration on the Rights of Indigenous Peoples*, which the government referred to as "propaganda." LRWC continues to monitor the situation of human rights lawyers and defenders in [Viet Nam](#).

# United Nations

## 31ST SPECIAL SESSION OF THE UN HUMAN RIGHTS COUNCIL ON THE SERIOUS SITUATION OF HUMAN RIGHTS IN AFGHANISTAN (24 AUGUST 2021)

**Afghanistan: Serious human rights concerns and situation in Afghanistan, joint oral video statement** to the 31st Special Session of the UN Human Rights Council from Lawyers' Rights Watch Canada, the International Bar Association, and The Law Society (led by LRWC), 24 August 2021. See more above in the section on Afghanistan.



## 48TH SESSION OF THE UN HUMAN RIGHTS COUNCIL (13 SEPTEMBER to OCTOBER 2021)

### Advocacy letters prior to or during the 48th Session

**Burundi:** The Human Rights Council should continue its scrutiny, joint letter initiated by Defend Defenders sent to Human Rights Council member States and observer States, [19 August 2021](#).

**UN Human Rights Council:** End reprisals against those engaging with the UN, joint letter initiated by the International Service for Human Rights (ISHR) and joined by 31 NGOs, including LRWC, [5 October 2021](#).



The joint [letter](#) followed a 2021 [ISHR](#) study of 709 cases of reprisals and sought support from members of the UN Human Rights Council for a resolution “to strengthen responses by the UN and States to end intimidation and reprisals against those who engage with the UN.”

At the 48th session, the Council adopted a [resolution](#) on reprisals that “condemns all acts of intimidation or reprisal... by State and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights” and urges all States “to prevent and refrain from” all such reprisals. The resolution “encouraged” the Assistant Secretary-General for Human Rights to strengthen UN efforts to develop and implement “a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisal, including by information-gathering and data analysis, and by improving and coordinating the response by all United Nations actors...”

### Oral video statements delivered during the 48th Session

**Sri Lanka and Afghanistan:** Entrenched Impunity for Human Rights Violations in Sri Lanka; human rights violations worsening in Afghanistan, drafted and read by LRWC's Harini Sivalingham, 15 September 2021.

**Iran and Turkey:** Systematic attacks on lawyers denies the right to legal representation, joined by Lawyers for Lawyers, the International Bar Association's Human Rights Institute, and the Law Society of England and Wales, drafted and read by LRWC's Catherine Morris, 22 September 2021.





**South Sudan: Continued pattern of widespread violations**, drafted by LRWC's Temisan Boyo and read by LRWC's Paul Scambler, [23 September 2021](#).

**Belarus: Persecution and repression of legal professionals**, joint statement led by International Bar Association's Human Rights Institute, [24 September 2021](#).

**Myanmar: Widespread, systematic gross human rights violations**, joint statement led by the International Bar Association's Human Rights Institute, [24 September 2021](#).

**Afghanistan: Urgent need for international investigative mechanism**, drafted by LRWC and read by LRWC's Paria Saremi, [27 September 2021](#).

**Myanmar, Colombia, China: Effective engagement with Universal Periodic Review is critical to effectiveness**, drafted and read by LRWC's Catherine Morris, 1 October 2021. Joined by Lawyers for Lawyers, the International Bar Association's Human Rights Institute, Law Society of England and Wales, International Service for Human Rights, and the International Commission of Jurists.

**Cambodia: "Vortex of power" deprives Cambodians of right to political participation**, drafted and read by LRWC's Catherine Morris, 6 October 2021. Joined by the International Commission of Jurists.

**Philippines: Halt the attacks on lawyers and human rights defenders**, , drafted by LRWC in consultation with the National Union of Peoples' Lawyers (NUPL) in the Philippines, joined by Lawyers for Lawyers, International Association of Democratic Lawyers, International Service for Human Rights , Union Internationale des Avocats, International Bar Association's Human Rights Institute, and The Law Society of England and Wales, and read by LRWC's Catherine Morris, [7 October 2021](#).



[Click on the image to learn more about how to join LRWC or donate to protect human rights advocates at risk.](#)

# International Criminal Court

## ICC Prosecutor Mr Karim A.A. Khan QC appoints Seventeen Special Advisers

The new Prosecutor of the International Criminal Court, Mr. Karim A.A. Khan (from the United Kingdom), took office on 16 June 2021. He announced on 17 September 2021 the appointment of 17 Special Advisers, drawn from different regions of the world with cultural, linguistic and gender diversity, and expertise and experiences from different legal systems and specialisations. Special Advisers to the Prosecutor are persons with outstanding professional credentials and expertise in their fields. They work on a pro bono basis and provide advice to the Prosecutor within their respective mandates as Special Advisers and may assist in training initiatives of the Office of the Prosecutor. See the list of [Special Advisors](#).

## ICC authorizes investigation into crimes in the Philippines

After a three-year preliminary examination of the situation in the Philippines, on 15 September 2021 the Pre-Trial Chamber of the ICC granted the [Prosecutor's request to commence](#) an investigation "in relation to crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the so-called 'war on drugs' campaign."



International Criminal Court, The Hague

The Philippines was a State Party to the Rome Statute of the ICC from 1 November 2011 until 17 March 2019. The Philippines withdrew from the Rome Statute a month after then Prosecutor Fatou Bensouda announced the opening of a Preliminary Examination to look into alleged crimes against humanity committed in the Philippines, including the possible criminal

responsibility of President Duterte himself. The ICC has jurisdiction only regarding crimes committed during the period when the Philippines was a State Party to the Statute. Philippines officials have stated they will [not cooperate](#) with the investigation. See more under the Philippines above.

## ICC Prosecutor files application to resume investigation into crimes in Afghanistan

The Prosecutor [announced](#) on 27 September 2021 that he had filed an application to the Pre-Trial Chamber of the ICC for an expedited order to resume the investigation into crimes in Afghanistan, since there is "no longer the prospect of genuine and effective domestic investigations" after the Taliban take-over by force on 15 August 2021. On 26 March 2020, the now-deposed government of Afghanistan had asked the previous Prosecutor, Ms. Fatou Bensouda, to [defer her investigation](#) on the grounds that the Afghan government intended to pursue its own prosecutions (invoking the "principle of complementarity"). Article [18\(2\) of the Rome Statute](#) provides that the ICC takes action only if States Parties cannot or will not, so the prosecutor acceded to Afghanistan's request.

However, Mr. Khan has stated that due to the limited resources of the ICC, he will give priority to investigating alleged crimes by the Taliban and the Islamic State and will "deprioritise other aspects of this investigation." Mr. Khan added that:

In relation to those aspects of the investigation that have not been prioritised, my Office will remain alive to its evidence preservation responsibilities, to the extent they arise, and promote accountability efforts within the framework of the principle of complementarity.

Critics of Mr. Khan's decision, including the [FIDH](#), the [Center for Constitutional Rights](#), and the [ACLU](#), fear that crimes committed by United States and other States' forces, may never be investigated or prosecuted.

## Educational Events

- Catherine Morris, Presentation at “[Responding to Scholars under Threat in Asia: Afghanistan and Beyond](#)”, Centre for Asia-Pacific Initiatives, University of Victoria, 16 September 2021.
- Catherine Morris, Presentation at “Reflections on Afghanistan,” Centre for Global Studies, University of Victoria, 29 September 2021.

## Awards

Myanmar lawyer [U Khin Maung Zaw](#) was shortlisted for the 2021 Lawyers for Lawyers Prize. Nominated for the Award by LRWC's Executive Director Catherine Morris, U Khin Maung Zaw will be among those honoured at the awards ceremony in Amsterdam on 18 November 2021. The prize-winners are two lawyers from Belarus, [Makdim Znak and Liudmila Kazak](#). The other shortlisted candidate is the [Collective for the Defence of Hirak Detainees](#) from Algeria. The awards ceremony is to be co-hosted by Lawyers for Lawyers and the Amsterdam Bar Association.

## Publications

The following articles were written by LRWC directors and volunteers between 1 July and 15 October 2021.

- Catherine Morris, “2020–21: A pandemic of rights violations has met with dramatic civil resistance to injustice,” [The Advocate](#) 79(4) July 2021: 535–38.
- Clive Ansley, David Kilgour, and Peter Lamont, “How the ‘trials’ of two Canadians detained in China show the importance of the rule of law,” [Hong Kong Free Press](#), 27 March 2021, published by LRWC on 3 August 2021. Clive Ansley is a director of LRWC.
- Marjorie Cohn, “As Biden Threatens More War, Don’t Forget the Afghanistan Invasion Was Illegal,” [Truthout](#), 30 August 2021. Marjorie Cohn is a director of LRWC.
- Catherine Morris, “Protect Afghanistan’s truth-tellers: Human rights defenders in a world of diplomatic doublespeak,” [Slaw.ca](#), 15 September 2021.

## LRWC in the News

The following news stories published between 16 July and 15 October 2021 mentioned Lawyers’ Rights Watch Canada:

- Bernise Carolino, “Feds to fund initiatives against overrepresentation of Indigenous peoples in criminal justice system,” [The Canadian Lawyer](#), 16 July 2021.
- Bernise Carolino, “Lawyers’ Rights Watch Canada welcomes reopening of hiring process for U of T program director,” [The Law Times](#), 26 July 2021.
- Human Rights Watch, “Immediately Repeal Emergency Regulation that Threatens Online Freedoms in Thailand,” [Mirage News](#), 4 August 2021.
- Elizabeth Raymer, “Judges, lawyers, human rights defenders seen as under threat in Afghanistan,” [The Canadian Lawyer](#), 26 August 2021.
- “‘Justice in Sri Lanka has not only been stalled but reversed’ - Lawyers’ Rights Watch Canada,” [Tamil Guardian](#), 16 September 2021.
- Cathrine Gonzales, “Rights groups urge UNHRC to set up system for collecting evidence on EJKs,” [Inquirer.net](#) (Philippines), 7 October 2021.
- Bhavan Jaipragas, “Singapore’s anti-foreign interference law will ‘substantially narrow’ civic space, rights groups say,” [South China Morning Post](#), 13 October 2021.

## Working Pro Bono for LRWC

LRWC acknowledges with gratitude the ongoing dedication of volunteers, donors, and part time staff who faithfully work to uphold international human rights law and standards. During the third quarter of 2021, dozens of LRWC members worked pro bono conducting research, education and advocacy for LRWC events, reports, publications, letters and statements. Human rights organizations increasingly face the need to ensure their security. In 2020 LRWC implemented new privacy and security measures; thus names of volunteers and donors are not listed here with the exception of LRWC's Executive Director and those named in publications or public statements or events.

## Working in Cooperation with Others

Through joint advocacy between April and June 2021, LRWC worked in cooperation with hundreds of other organizations around the world.

## Board of Directors

LRWC is composed of [two entities](#), Lawyers Rights Watch Canada ("LRWC"), and a Canadian charitable organization, Lawyers' Rights Watch (Legal Research) Canada ("LRW(LR)C").

### LRWC

Clive Ansley  
Marjorie Cohn  
Gail Davidson  
Joshua Lam  
Leo McGrady, Q.C.  
Heather Neun  
Brian Samuels, Q.C.  
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### LRW(LR)C

Joey Doyle  
Temisan Boyo Fanou  
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Gavin Magrath  
Robert Morales  
Renée Mulligan  
Harini Sivalingam  
Margaret (Peggy) Stanier  
Melissa Tessler  
Grace Li Xiu Woo



# LRWC membership and donations

## To our readers...

We hope you have found this edition of *ACTION NEWS* informative. We invite you to join or renew your membership in LRWC to help ensure that our volunteers have adequate resources to continue to advocate for lawyers and other human rights defenders at risk in numerous countries around the world.

LRWC membership fees and donations ensure needed support for our volunteers' research, educational activities, and advocacy. To ensure independence, LRWC does not accept government funding and relies on memberships and donations. LRWC has no paid Executive Director or full-time support staff. Membership fees and donations – payable to Lawyers' Rights Watch (LegalResearch) Canada – are tax deductible.

Examples of the work LRWC has undertaken in 2021 are:

### **Building knowledge of international human rights through research and education**

- **Quarterly Newsletters**. LRWC publishes four newsletters a year with summaries and links to our recent research, educational events, and advocacy for defenders and the rule of law around the world.
- ***Regular articles in prominent Canadian legal magazines*** to raise awareness about the dire situation of jurists and defenders around the world.
- **Annual reports**. LRWC's 2020 Annual Report summarized our work in 21 countries.
- **Publications and resource manuals**, free to download.
- ***Educational events***, provided free of charge.

### **Advocacy**

- **LRWC conducts advocacy** through letters, statements and press releases as well as interventions at UN Human Rights Council. LRWC works with other human rights organizations around the world to amplify the effectiveness of advocacy.

We hope you will consider joining, renewing, or donating to LRWC by visiting <https://www.lrwc.org/join/>. Feel free to write to us at [lrwc@lrwc.org](mailto:lrwc@lrwc.org).

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**Lawyers' Rights Watch Canada**

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