

Lawyers' Rights Watch Canada

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

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LRWC NEWS – September 2009

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<http://www.facebook.com/home.php?#/pages/Vancouver-BC/Lawyers-Rights-Watch-Canada/99759345869>.

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Letters for Lawyers

Mexico: Cara Gibbons sent letters on behalf of human rights lawyer Ricardo Liguens after he was accosted, assaulted and threatened with lynching by a mob believed part of a group responsible for armed attacks against communities targeted as Zapatista Liberation Army sympathizers.

Canada: In July, LRWC made submissions (prepared by Brian Samuels and Gail Davidson) by letter to the Law Society of Alberta, in support of human rights lawyer Robert P. Lee, who has been the subject of numerous complaints by the Government of Alberta. Mr. Lee represents children in government care or custody, and has been vigorously fighting the government in these cases. The Alberta Government's 19 complaints resulted in a lengthy disciplinary hearing, where the prosecutor sought to disbar Mr. Lee. Almost all (16 of 19) of the complaints against Mr. Lee were dismissed, although he was ordered in September to pay a \$4,500 fine and \$10,000 in costs. The citations for which Mr. Lee was found guilty were: making inappropriate comments during an examination for discovery; failing to be courteous by shouting at a meeting; and making remarks concerning another lawyer that were not fair, accurate and courteous.

Philippines: Remigio Saladero a prominent human rights lawyer, journalist and professor was arrested in October 2008 and charged with multiple murder, arson and inciting to rebellion: charges believed to have been trumped up to prevent Saladero from continuing to represent the hundreds of human rights cases he was handling through PLACE (Pro-Labor Assistance Center). He was released on February 5, 2009 after Saladero established that he was in court during the time of the alleged murders. Other charges have since been laid and the original murder charged re-laid with new facts. LRWC is in communication with Mr. Saladero, has been writing letters (Constance Marlatt) on his behalf since November 2008 and will continue to monitor his situation.

United Nations Participation

Harini Savilingam (LRWC's Sri Lanka monitor) and Gary Anandasangaree attended the 12th Session of the UN Human Rights Council in Geneva. They also met with: Julia Raue, assistant to the High Commissioner of Human Rights and the Special Rapporteur on the independence of judges and lawyers, Canadian Ambassador Grinius and representatives of several missions and NGOs. Harini and Gary attended the NGO side event on "Effective Protection for Human Rights Defenders" hosted by FIDH, Human Rights First and FrontLine Defenders. Gary made an oral presentation on Sri Lanka critical of continuing human rights violations, citing attacks on lawyers and journalists and prolonged imprisonment of civilians as well as the lack of an independent judiciary.

<http://www.un.org/webcast/unhrc/archive.asp?go=090922>

The "Information Briefing for NGOs", that Lois Leslie was scheduled to attend, was cancelled.

In-Country Investigations

Cambodia: Catherine Morris, LRWC's Cambodia monitor, visited Phnom Penh in May and again in August 2009. She met with more than 20 human rights defenders and others. She also monitored the

August 17 appeal of the conviction of two persons believed to have been wrongfully convicted of the 2004 murder of labour rights leader Mr. Chea Vichea. Her forthcoming report will analyze persistent concerns about independence and integrity of the judiciary and the legal profession as well as concerns about abuses of defamation and incitement laws by powerful persons to intimidate lawyers, human rights defenders, journalists and members of parliament.

Brazil: In December 2008 the International Association of People's Lawyers (IAPL) headed a fact-finding mission to Rondonia state in Brazil (FFM) to investigate reports of systemic human rights violations against peasant land activists and their lawyers. LRWC did not send a representative but supported the FFM by offering to do any legal research required. IAPL's preliminary report, released in December 2008 to the Government of Brazil, has resulted in improved prison conditions and the release of one activist. The final report, received this month, is available online at, http://www.iapl.net/reports/brazil/FFM_Brazil08_Report.pdf

Notable Court Decisions

India: In May 2009, LRWC's John Cotter, wrote a letter on behalf of Ajeet Singh, of GURIA an NGO working against child trafficking and forced child prostitution in India. Reports indicated that police were blocking Mr. Singh's efforts to rescue a number of children sold into forced prostitution, both by threatening Mr. Singh and failing to effectively enforce the law. The Asian Human Rights Commission and Frontline Defenders intervened and eventually 31 children were rescued and a number of people charged. When the High Court granted bail to the accused traffickers, GURIA appealed to the Supreme Court of India. The Supreme Court of India, in a decision GURIA describes as an important precedent (*Guria v. State of Uttar Pradesh & Ors.*), sharply criticized both police, courts and the executive for failing to properly protect children sold into forced prostitution: the police and courts for failing to distinguish between the children as victims and the traffickers as perpetrators of serious crimes and the executive, for failing to develop a plan for the rehabilitation of such children.

Upcoming Events

UN Participation: LRWC and other NGOs plan to participate in a seminar at the UN on the Basic Principles on the role of lawyers at the New York UN headquarters on October 23rd, 2009. The seminar is planned to supplement the presentation of Leandro Despouy's final report to the UN General Assembly. LRWC member Gary Anandasangaree will attend for LRWC.

International Association of People's Lawyers (IAPL): Gail Davidson met with the IAPL Secretary Coni Ledesma who invited LRWC to join the International Observer Mission May 1-15, 2010 in the Philippines to observe and report on the May 2010 election.

Research

LRWC has been asked to make their report on the Pakistan Supreme Court decision available to the Ambassador from the Netherlands. LRWC is continuing research on emergency measures, the Universal Periodic Review process, fair trial rights and is beginning begun research on access by jurists in danger to effective protective measures. LRWC is looking for researchers.

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The October Newsletter will feature testimonials from lawyers who have received LRWC's help.