

Lawyers' Rights Watch Canada

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

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Letters for Lawyers

Canada: On 27 January 2010 LRWC members Paul Copeland, Gail Davidson and Catherine Morris sent a letter to the Prime Minister of Canada expressing concern about reports of pressure on Rights and Democracy to align its work with current government policies and allegations that some board members lacked independence and asked for an independent investigation to determine the facts.

Honduras: Honduran lawyer Nectali Rodezno Izagurre and his family received a death threat on 18 January 2010 in reprisal for Mr. Rodezno's work as coordinator of the Association of Lawyers against the Coup. Since the June 2009 coup, Honduran lawyers and human rights defenders face serious repression and difficulties in working independently. Cara Gibbons and Isabela Piacentini sent a letter urging the Honduran government to provide Mr. Rodezno and his family with protection and to conduct an effective investigation of the threat to identify the perpetrators and bring them to justice.

Sudan: Hatem Salah was arrested for his involvement in organising a symposium on elections and democratic transition for the Sudanese Monitor for Human Rights. The symposium was terminated by National Intelligence and Security Services officers. Mr. Salah was released after interrogation. Three women lawyers, Butheina Omar Al Sadiq, Randa Yousif and Nafisa Al-Nur Hajar were arrested for posting fliers on behalf of the Lawyers' Democratic Front, urging lawyers to renew Bar Association membership and vote in the Bar Association elections. Although later released, their arrest has been seen as an attempt to obstruct the holding of fair, transparent and pluralist elections at the Bar Association in January 2010. LRWC Sudan monitor Joseph Hoffer wrote letters to Sudanese officials in response to both these situations.

Vietnam: Le Cong Dinh, a prominent human rights lawyer and former vice-president of the Ho Chi Minh Bar Association, was arrested 13 June 2009, held incommunicado for six weeks, disbarred 1 July 2009 by the Ho Chi Minh City Bar Association, and charged first with 'propaganda against the state' and then with 'carrying out activities aimed at overthrowing the people's administration.' After a one-day hearing on 20 January 2010 he was sentenced to a 5-year, 3-month imprisonment. Darlene Kavka wrote letters on his behalf in June, August and December 2009. LRWC is of the view that proceedings against him were directed at preventing and punishing his work as a lawyer, and deterring others from advocating for clients unpopular with the government. LRWC will appeal further to the Canada-funded Judicial Development and Grassroots Engagement (JUDGE) programme in Vietnam.

Mexico In-Country Investigation: November 29-December 5, 2009

LRWC Director Cara Gibbons spent from November 29 – December 5 in Mexico as part an international delegation of lawyers to investigate human rights problems in Guerrero and Oaxaca related to the safety and independence of human rights defenders. The investigation was organized by the Bar Human Rights Committee of England and Wales with logistical assistance from Peace Brigades International. In conducting their investigations, the delegation, which included lawyers from Canada, United States, United Kingdom, Germany and Ireland, met with lawyers and victims, local, state and federal authorities, state and federal human rights commissions and UN Office of the High Commissioner of Human Rights in Mexico. Cara is co-authoring the delegation's report. Anticipated publication is spring 2010. It will be distributed to LRWC members.

Education

LRWC participated in the Justice for Omar Khadr event held in Vancouver on January 11, the 8th anniversary of the opening of Guantanamo Bay prison. A vigil at Victory Square was following by a public discussion at Simon Fraser University, Harbour Centre. Speaking at the Amnesty International event were Derrick O'Keefe, writer and social justice activist, Carmen K. Cheung, lawyer with B.C. Civil Liberties Association lawyer and Gail Davidson. [Videos](#) by Fara McLaren of the event are available online.

On 13 January 2010, as part of the BC Court of Appeal's "Law at Lunch" program, LRWC Director James Tate gave a 90 minute talk to 17 appellate justices at the Vancouver Law Courts on LRWC campaigns for the safety and independence of judges and lawyers worldwide.

Cooperation with other NGOs

Human Rights Day Committee: LRWC agreed to support the Human Rights Day Committee—human rights groups mandated to explore the ways in which NGOs can assist one another to more effectively work towards improved implementation and enforcement of human rights. LRWC offered to assist with legal analyses of human rights standards applicable to identified violations and reports to monitoring bodies. The Committee's inaugural meeting, *Stand up for Human Rights*, was held 5 December 2009.

BC Civil Liberties Association: LRWC is assisting BCCLA during the Olympics with the protection of civil liberties and the human rights advocates defending them by putting together lists of lawyers.

Upcoming Events

Isabela Piacentini, LRWC's Brazil monitor will attend FrontLine's 5th Dublin Platform on Human Rights Defenders February 10 – 12 2010. Isabela is a Brazilian lawyer with a Master's degree in Public International Law, and is currently a PhD Candidate in the Université Paris II, writing a thesis entitled "Reparations in the jurisprudence of the Inter-American Court of Human Rights".

Publications

[*Canada's Failure to Support the United Nations Declaration on the Rights of Indigenous Peoples: an intersectional analysis of the repercussions as seen through the inter-woven lenses of women's rights, environmental rights, and poverty alleviation*](#), by Heidi Fraser-Kruck.

Notable Decisions

[*Prime Minister of Canada, Minister of Foreign Affairs, Director of the Canadian Security Intelligence Service and Commissioner of the RCMP v Khadr*](#): 29 January 2010: In a decision that ignored Canadian law—including its own jurisprudence, Canada's international law duties, and the rule of law, the Supreme Court of Canada confirmed that Canada has violated Omar Khadr's *Charter* rights and that those violations continue and contribute to his ongoing detention. The court went on to rule that in spite of the ongoing violation of Khadr's internationally protected rights, it was appropriate to leave "it to the government [sic] to decide how best to respond in light of current information, its responsibility over foreign affairs and the *Charter*." The ongoing violation of Khadr's rights, including denial of a fair trial and due process, has been the subject of LRWC letters, research and education. Education has included lectures, press advisories and television and radio broadcasts. Research has included the

[LRWC report](#) endorsed by 45 NGOs that was submitted to the UN Human Rights Council on the Universal Periodic Review of Canada.

[Her Majesty's Treasury v. Mohammed Jabar Ahmed et al](#): On 27 January 2010 the UK Supreme Court ruled the freezing assets provisions of the Terrorism (United Nations Measures) Order 2006 and the Al-Qaida and Taliban (United Nations Measures) Order 2006 *ultra vires*, noting "...the Court's judgment vindicates the primacy of Parliament, as opposed to the Executive, in determining in what circumstances fundamental rights may legitimately be restricted." [para [157] per Lord Phillips].

[Inter-American Commission of Human Rights Admissibility Report Hul'Qumi'num Treaty Group Canada](#): Landmark decision against Canada by the Organization of American States' Inter-American Commission on Human Rights (IACHR) Canadian treaty process, stated that courts and laws are not adequate to address alleged international human rights violations against the Hul'qumi'num Treaty Group (HTG), which represents six First Nations in British Columbia. On 30 October 2009 the IACHR ruled it will examine and comment on alleged violations by Canada of several articles of the *American Declaration of the Rights and Duties of Man*. The IACHR found that the BC Treaty Commission, Canadian courts, and relevant Canadian legislation are not effective mechanisms to address the violations alleged by the HTG. The HTG petitioned the non-binding processes of the IACHR because Canada is not a party to the *American Convention on Human Rights* and not subject to binding rulings of the Inter-American Court of Human Rights. HTG's chief negotiator Robert Morales says the IACHR decision is "a very strong statement on the utter inadequacy and ineffectiveness of either the B.C. treaty process or Canada's judicial system to provide an effective remedy for the protection of the Hul'qumi'num human rights to property and aboriginal title." According to Robert Morales, "[t]he ruling fundamentally recognizes the difficult position of Hul'qumi'num people and will hopefully begin to clear the way to effectively deal with the private land issue in treaty negotiations."

City of Vancouver v. Ward. The City of Vancouver's appeal of damages awarded to well-known human rights lawyer Cameron Ward for wrongful detention and illegal strip search in August 2002 by Vancouver police was argued in the Supreme Court of Canada on 18 January 2010 and the decision is reserved. At the time of his arrest, [LRWC wrote letters](#) on Mr. Ward's behalf as his arrest appeared to be an illegitimate reprisal for his representation of clients pursuing police complaints.

Notable Reports

Human Rights Watch [World Report 2010](#) concludes that attacks by governments on individuals and organizations defending and documenting human rights violations intensified during the past year.

Book Saturday 24 April 2010 for LRWC's Annual General Meeting.

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