

Lawyers' Rights Watch Canada

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

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LRWC NEWSLETTER

September 2010

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Letters for Lawyers

Philippines

LRWC sent a follow-up letter on the case of the 43 health care workers arrested February 6, 2010 in Rizal, Philippines. The workers were first detained in a military camp and then, since May 1, 2010 in the regular prison. All the health care workers are charged with possession of explosives and guns, charges which are non-bailable. LRWC is recommending release and withdrawal of all charges. LRWC's letter cited a number of violations of the health care workers' internationally protected rights including illegal arrest, exposure to prohibited treatment and denial of timely access to counsel and other due process, and failure to investigate or remedy complaints of torture and other cruel, inhumane or degrading treatment. While in the Philippines, Gail Davidson visited the 15 men and 23 women at Camp Bagong Diwa Prison in Taguig City along with 9 other lawyers from India, England, Haiti, France, Belgium, Italy and Indonesia. Five of the women are being held in a separate prison and one woman—who gave birth in July—is under hospital arrest with her baby. Gail also met with the health care workers' lawyers and with the doctor providing them with assistance. The prison conditions were extremely poor.

Iran

Iran monitor Hugh Gwillim wrote on behalf of lawyer Nasrin Sotoudeh. Ms. Sotoudeh was arrested on 4 September 2010 after her house and office were searched on 28 August and she was summoned to appear in court. She is currently in solitary confinement in Evin prison in Tehran. Nasrin Sotoudeh has not been formally charged. The reasons stated on the summons include suspicion of "propaganda against the system" and "gathering and colluding with the aim of harming state security". At the time of writing, Ms Sotoudeh had not been allowed access to her lawyer or family. She has two children, aged 10 and three years. She is believed to be at risk of torture or other ill-treatment.

Publications

Gail Davidson, *Outlawing Judicial Independence: The Prosecution of Judge Baltasar Garzón in Spain*, September 10, 2010.

Conference of Lawyers in the Asia-Pacific (COLAP)

Gail Davidson was in Manila Philippines September 16 – 23 to attend COLAP and give a talk on the prosecution of Judge Garzon in Spain. While in Manila Gail also attended the annual meeting of the National Union of Peoples' Lawyers, gave a talk at the University of the Philippines School of Law on international humanitarian law and made a prison visit to 37 of the health care workers detained since February 2010. Gail met with human rights lawyer Remigio Saldero on whose behalf LRWC has been writing letters since November 2008. She also met with lawyers, law students, judges and human rights advocates based in the Philippines and with lawyers representing legal groups from 23 countries. Gail's report will be available next month.

BC Public Commission on Legal Aid

LRWC is scheduled to make submissions to the Public Commission on Legal Aid on October 7 2010 at 2:00 pm at Simon Fraser Harbour Centre 515 West Hastings Street, Vancouver, room 1400.

LRWC will make submission on BC's international law obligations to provide legal aid. The failure of Canada and BC to provide adequate legal aid has been noted by a number of United Nations committees when reviewing Canada's implementation of international human rights treaties. The Committee on the Elimination of Discrimination against Women noted in the November 2008, "The Committee is concerned at reports that financial support for civil legal aid has diminished and that access to it has become increasingly restricted, in particular in British Columbia, consequently denying low-income women access to legal representation and legal services." LRWC will present submission

LRWC International Human Rights Forum

Join Us at The International Human Rights Forum Lawyers Right Watch Canada



When Saturday October 16, 2010

Where TORONTO: 3 pm in the Lamont Room,
Law Society of Upper Canada, Osgoode Hall,
130 Queen Street West

VANCOUVER: noon at Owen Bird, 29th Floor,
Three Bentall Centre, 595 Burrard Street

Video Conferencing The Toronto and Vancouver
locations will be linked by videoconferencing.

Speakers Robert Morales in Vancouver and
Cara Gibbons in Toronto will examine the gap
between international human rights law and
national practices in Canada and in Mexico and
the need for improved implementation,
enforcement and education.



Robert Morales will explain the Inter-American Commission of Human Rights decision to accept the Hui'qumi'num Treaty Group's (HTG) petition alleging that Canada has violated the American Declaration of the Rights and Duties of Man by failing to resolve the HTG's land claims. In a precedent-setting decision the IACHR (Oct/30/09) ruled the petition could proceed without HTG first exhausting domestic remedies on the basis that Canadian courts and law were not adequate to protect the HTG's land claims and provide compensation while continuing to grant concessions and destruction to the environment. Robert Morales is Chief Negotiator and counsel for the HTG.



Cara will examine the deteriorating situation of human rights defenders in Mexico detailed in *Recalling the Rule of Law: A Report on the Protection of Human Rights Defenders and the Rule of Law in the States of Guerrero and Oaxaca*. This report records the findings of an international team of lawyers who went to Mexico in 2009 to investigate issues related to the safety and independence of human rights defenders and the rule of law in Guerrero and Oaxaca states. Cara was a member of the Mexico delegation and one of the authors of the report. Cara is a director of LRWC and LRWC's Mexico Monitor.

This event has been approved for 3 hours of Law Society of BC CPD Credits

For more information, to RSVP contact LRWC at lrwc@portal.ca;

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Defend Defenders around the world by becoming a monthly donor to LRWC

- Fees and donations can be made by cheque or through PayPal (fees & one-time donations) or Canada Helps (one time and monthly donations). Both are linked through lrwc.org
- Monthly donations increase LRWC's ability both to respond quickly and plan ahead.
- Airline points donated to LRWC qualify as a tax-deductible donation!
- Donations made by December 31, 2010 are eligible for a 2010 charitable tax receipt.

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