



PROMOTING HUMAN RIGHTS BY PROTECTING THOSE WHO DEFEND THEM

MONTHLY NEWSLETTER

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Getting Involved

LRWC Monitors

LRWC welcomes new monitors for Malaysia and Singapore: Vasanthi Venkatesh of Toronto, David Paterson of Vancouver and Mark Daly of Hong Kong. Kelley Bryan will continue in an advisory role regarding Singapore. We are pleased to report that LRWC monitors will be working with Amnesty/Canada's Margaret John which will greatly enhance LRWC potential to promote advocacy rights in these countries. Margaret John is a long time Amnesty activist. Having served for more than 30 years as the Canadian Coordinator for Amnesty's work in Malaysia, Margaret is respected as an expert on human rights in these countries. In 1998 Margaret received an honorary Doctorate of Laws degree from McMaster University for her human rights work. Margaret is one of the people who inspired and assisted with the creation of LRWC and we look forward to working with her again. LRWC hopes to strengthen our monitoring work by creating teams with monitors from other NGOs within Canada and around the world. We invite members to join LRWC monitoring teams.

Research and Writing

LRWC members are invited to assist with ongoing research which includes:

1. Amicus brief for the case of *Hul'qumi'num Treaty Group v Canada* before the Inter-American Commission of Human Rights on international rights to equality before the law, the equal protection of the law and equal access to remedies.
2. Law prohibiting/allowing the criminalization of judicial functions for another brief on the prosecution of Judge Baltasar Garzón in Spain.
3. Survey of effective protective measures for advocates in danger provided by NGOs.
4. Update on immunity for lawyers.
5. Rights to counsel.

Cambodia: Sam Chankea, Coordinator of Cambodian Human Rights and Development Association (ADHOC) was charged with defamation and disinformation for remarks made in the course of human rights advocacy on behalf of dozens of villagers involved in a land rights dispute with a corporation owned by the wife of a cabinet minister. LRWC sent a [letter](#) (21 January 2011) to authorities deploring the illegitimate uses of criminal courts by powerful parties to intimidate human rights defenders and calling for cessation of all forms of judicial harassment against Mr. Sam Chankea.

Canada: LRWC endorsed a statement calling for security certificates to be abolished. <http://www.harkatstatement.com/>

Colombia: William Cristancho Duarte, a lawyer with the human rights organization Corporación Compromiso was fired at in December as he drove to Palogardo prison. On October 26/10 Mr. Cristancho received death threats believed to be related to his work on a case involving the extrajudicial executions of two local peasants by members of the Colombian Army. LRWC wrote a [letter](#) demanding protective measures for Mr. Cristancho.

Iran: Human rights lawyer Nasrin Sotoudeh was sentenced to 11 years in prison and a 20 year suspension from practicing law and leaving Iran on completion of the prison sentence. Ms Sotoudeh was sentenced on trumped up charges of ‘propaganda against the regime’ (1 year); ‘acting against national security’ (5 years) and not wearing a hijab during a videotaped message (5 years). Ms Sotoudeh was arrested in September 2010 after she was warned to stop acting for Shirin Ebadi, the Iranian lawyer and Nobel Laureate currently in exile. LRWC’s Tina Parbhakar [sent a letter](#) calling for Ms Sotoudeh’s release. Reports indicate that Ms Sotoudeh has been subjected to grave rights violations while in prison including denial of access to counsel and torture. LRWC views her imprisonment as arbitrary.

Mexico: Cara Gibbons [wrote to Mexican authorities](#) asking for effective measures to protect Alba Cruz from harm and to properly investigate violations of her personal and professional rights. Ms Cruz, a lawyer working in Oaxaca, received a death threat on January 11, 2011 believed to be related to her legal defence of human rights defenders. This was further to death threats and an assault that Ms Cruz was subjected to in early 2010 that remain unresolved.

Philippines: On December 10—international human rights day—President Aquino announced he was directing the Department of Justice (DOJ) to apply for the release of the Morong 43 and the withdrawal of all charges against them. The 43 health care workers had been arrested 6 February 2010 and later charged with explosives and possession of fire arms charges believed to be bogus. On 17 December, the court allowed DOJ’s application, rejecting opposing applications filed by pro-military groups and 33 were released on that day. Not released were 3 women and 2 men imprisoned in a military camp where all 43 of the arrested workers had been imprisoned until May when 38 of them were transferred to a non-military prison.

On Dec. 28 two more of the Morong 43 were released after the court ruled that other charges (for drug use and alleged violations of the anti-bouncing law) against them were not maintainable.

LRWC work, done in cooperation with other NGOs around the world, was one of the factors contributing to this happy result. LRWC's recent work on the Morong 43 case included: a/ a prison visit to 36 of the imprisoned health care workers on Sept. 20th; b/ a [letter](#) /legal brief to President Aquino, Secretary of Justice de Lima and the Human Rights Commission Chair, outlining a variety of due process violations and the remedies required on Sept. 29; c/ a visit with the Vice-Consul in Vancouver on Nov. 9. ; d/ [a letter highlighting](#) cost of further delay to the well-being of the two infants born to mothers in custody. As a token of concern for the plight of the two infants born in custody, LRWC sent a gift of moccasins and blankets in December.

United State/United Kingdom: U.S. State Department Legal Advisor, Harold Koh posted online a letter conflating British barrister Jennifer Robinson with her client, Wikileaks founder Julian Assange apparently intended to interfere with Assange's right to be represented by putting his lawyers at risk. Koh's letter wrongly stated that the release of documents by wikileaks had caused catastrophic damage ("...endangered the lives of countless individuals...") and suggested the releases were a joint enterprise of Robinson and her client. The fact that Koh's letter was released amidst calls for Assange's execution or assassination by various U.S. public officials and personalities, heightened LRWC concern. LRWC [wrote to U.S. Attorney General](#) and Secretary of State calling for publication of a remedial statement. British lawyers for J. Assange, Ms Robinson and Mark Stephens, thanked LRWC for intervening on their behalf and provided a copy of their own complaints to U.S. authorities about Koh's letter.

Web/International: LRWC received notice that three lawyers involved with human rights issues in Sri Lanka—the Executive Director of an NGO that works with LRWC and two members of LRWC—were wrongly identified on a website as supporters of the Liberation Tigers of Tamil Eelam (LTTE), thereby putting the professional, personal and economic security of the defamed lawyers in jeopardy. LTTE was proscribed in 2006 by Canada as a terrorist organization and providing financial support or otherwise facilitating LTTE activities is an indictable offence bearing a maximum penalty of 14 year imprisonment. All three of the lawyers named are respected advocates for human rights in Sri Lanka. LRWC sent a [letter demanding an apology](#) and other actions to remedy the possible damage caused by publication of the false allegations. Within an hour of the LRWC letter being sent by email, we received an apology fully retracting the false statements published and notice that the website had been taken down and replaced with a notice stating, "We have withdrawn this site until further notice in order to review objections from LRWC and reconsider our methodologies."

LRWC Members in the News

Paul Copeland, an LRWC Director and its Burma monitor, has been selected to become a Member of the Order of Canada for his outstanding contribution as an advocate for human rights and social justice. Paul is a criminal barrister, a Life Bencher of the Law Society of Upper Canada and recipient of the Sidney B. Linden and G. Arthur Martin awards. As a Bencher, Paul served on many committees including the Judicial Advisory, Legal Aid, Women in the Legal Profession, Equity, Equity and Aboriginal Issues committees as well as on the Human Rights Monitoring Group. Paul is one of the founders of the Law Union of Ontario, a member and past vice president of the Criminal Lawyers Association and a former director and former co-president of the Association in Defence of the Wrongly Convicted (AIDWYC). Paul has worked on security certificate cases and was a Special Advocate in the Harkat and Almrei security certificate cases. He is the Ridemaster of the Illegals Motorcycle Club, which is affiliated with the Criminal Lawyers Association.

Diane Turner, Victoria lawyer with Kelliher & Turner and long-time member of LRWC has been elected for a 4-year term as a permanent member of the Disciplinary Board of the International Criminal Court. The Disciplinary Board has two permanent members, Diane Turner from Canada and Eberhard Kempf from Germany and one alternative member from France. Beginning in February Ms Turner will take a 5-month sabbatical from her Victoria practice to teach Legal Ethics, Human Rights and International Criminal Law at the University of The Hague.

LRWC Publications

Judicial Immunity and the Garzón case, Laura Best, January 19, 2011.

LRWC is part of an international working group opposing charges against Spanish judge Baltazar Garzón. LRWC has filed a [complaint](#) with a number of Special Rapporteurs, a [report](#) with the UN Human Rights Council and presented a [paper](#) to a conference of lawyers in Asia examining international law relevant to the case. Ms Best's research is part of LRWC's most recent contribution to the working group and will form the basis of an additional report to the UN Human Rights Council and the Special Rapporteur on the Independence and Judges and Lawyers. The trial of the charges against Garzón, which had been set to commence February 10, 2011 in Supreme Court, has been adjourned pending determination by a special chamber of Garzon's application to have recused five of the seven member panel of judges selected to hear the case.

Notable Decisions

Harkat (Re) 2010 FC 1243. On December 9, 2010 the Federal Court of Canada ruled that there were reasonable grounds to believe that Mohamed Harkat is a security threat and upheld the security certificate process. Security certificates allow the Canadian government to detain and deport permanent residents or foreign nationals considered to be a security threat without revealing all the evidence to the accused. Harkat has been in custody or under house arrest since 2002 on a security certificate. James Clancy of the National Union of Public and General Employees said of the decision, “The inability of an accused to challenge and question the evidence held against them is an affront to the fundamental principles of justice.” Appeal documents filed by Harkat’s lawyers call the Federal Court ruling unreasonable and unsafe. The case is expected to go to the Supreme Court of Canada.

Al-Aulaqi v. Obama et al. On December 7, 2010 U.S. Federal District Judge John D. Bates dismissed a lawsuit challenging the legality of the U.S. policy to target and assassinate individuals, including U.S. citizens, arbitrarily designated as terrorists. The American Civil Liberties Union (ACLU) acted for the plaintiff who brought the action on behalf of his son, who was named by the U.S. as a “Specifically Designated Global Terrorist” in July/10. Bates J. a former U.S. army lieutenant appointed to the bench by G.W. Bush in 2001, dismissed the lawsuit on three grounds: a/ the plaintiff father did not have standing to bring the suit on behalf of his son; b/ threatened extra-judicial killing is not an international crime and the application failed to satisfy the U.S. Alien Tort Act; and, c/ review of the Obama administration’s targeted assassination policy is barred by the political question doctrine that shields from review by the courts decisions purporting to involve foreign policy and national security. A spokesperson for the New York based Center for Constitutional Rights said the ruling, which includes a number of chilling statements, was without precedent in U.S. history. The ACLU is considering an appeal.

Human Rights Education and Training

The talk given by Robert Morales on the *Hul’Qumi’Num Treaty Group v Canada* case before the Inter-American Commission on Human Rights is now available on [LRWC's YouTube](#). Mr. Morales, who is counsel for the Hul’Qumi’Num Treaty Group originally gave the talk in Vancouver on October 16, 2010. The 38-minute video was broadcast on Shaw cable network in the Central Island region on: Tuesday, January 11th @ 7:00pm; Thursday, January 13th @ 4:00pm and Saturday, January 15th @ 8:00pm. LRWC is preparing to file an intervention petition in the case on issues of internationally protected rights to equality and freedom from discrimination. The brief is being prepared by Heather Neun and Grace Woo with help from Gail Davidson and law students Andrew Guaglio (UBC) and Rebeka Lauks (U of T).

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