

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 February 2011 Edition

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LRWC Action News

Colombia: LRWC received a letter from Grupo De Gestión del Riesgo advising they had sent LRWC's October 1, 2010 letter by Alyssa Brierley to the Director of Prosecutions for Colombia asking that investigations be commenced immediately in order to prevent an escalation of violence and more assassinations. Ms Brierley had written protesting the assassinations of Colombian lawyers Hernando Pérez (19 September, 2010) Alexander Quintero (23 May, 2010) and Rogelio Martínez (18 May, 2010) and calling for remedial actions including effective investigations.

Egypt: On February 3rd a group of 35 lawyers, journalists and activists were arrested by Egyptian security forces and military police when they raided the Hisham Mubarak Law Center. Constance Marlatt and Maria Feoktistova sent a letter the next day calling for their immediate release and soon after received news that all members of the group including 2 Amnesty International staff members had been released.

Libya: At a UN Human Rights Council Special Session on Libya on February 25, 2011, council members unanimously passed a [resolution](#) condemning "recent gross and systematic human rights violations committed in Libya" and called for Libya's ouster from the council, a move that would require approval from 2/3 of 192 UN member states. During the session a senior diplomat from the Libyan mission to the UN in Geneva announced, "We only represent the Libyan people," and not the regime of Muammar Gadhafi. Libyans ambassadors to UNESCO, France, Portugal, the Arab League and Sweden made similar statements indicating that they were joining with the people in their legitimate demands for change and the establishment of a democratic system and withdrawing from representing the Gaddafi regime. The council has never before held a special session on the conduct of a council member or called for a member state's expulsion. LRWC was contacted through a colleague by a group of people in Tripoli attempting to communicate first hand accounts of the day-to-day crises there and passed their reports on to the Office of the High Commission of Human Rights.

Mexico: Cara Gibbons received a reply to her January 17th letter regarding threats against human rights lawyer Alba Cruz. The Chargé d'affaires for the Embassy of Mexico in Canada wrote detailing legislative measures taken to improve the safety of lawyers and other human rights defenders in Mexico.

Mr. Sanchez also wrote that the protective measures requested by the Inter-American Commission for Mr Cruz and others in 2007 had been put in place and noted that the Congress of Oaxaca had recently (on International Human Rights day) recognized Ms Cruz's human rights work. However, the Chargé d'affaires did not specifically address LRWC's current concerns about the danger posed to Ms Cruz by recent threats.

Sudan: The Sudan National Intelligence and Security Services (NISS) arrested many people for their suspected involvement in peaceful expressions of support for democracy and human rights. Abdelazim Mohamed Ahmed, Director of the Khartoum branch of the Easter Centre for Culture and Legal Aid was arrested 2 February 2011 and is thought to be held incommunicado at an unknown location. Student activist Ahmed Mahmoud Ahmed, arrested 3 February is believed to have been tortured by the use of electric shocks. Neither man has been charged. Sudan monitor Joe Hoffer wrote a letter calling on authorities to release the men and comply with the law.

LRWC to attend 16th Session of the Human Rights Council

Gary Anandasangaree and Gail Davidson will attend the 16th session of the Human Rights Council in Geneva from March 4th to 12th, 2011. On March 7th LRWC is hosting a side event *The International Convention for the Protection of All Persons from Enforced Disappearances: Now What? The Problem of Continuing Impunity*. Speakers will examine the crises caused by the widespread use of enforced disappearances coupled with state efforts to prevent remedies and shield perpetrators from accountability. Spain's Judge Baltasar Garzón will give a view from the bench on impediments to impunity; Jeremy Sarkin, chair of the UN Working Group on enforced disappearances will talk about UN potential to prevent disappearances and challenge impunity. Dr. Paikiasothy Saravanamuttu from Colombo Sri Lanka will talk about his experiences advocating for victims of disappearances in Sri Lanka. The event will be held at the Palais des Nations from 1:00 to 3:00 pm and is co-hosted by the Asian Legal Resource Centre, the Asian Federation against Enforced Disappearances, the International Commission of Jurists, the International Coalition against Enforced Disappearances, Asociación Española para el Derecho Humano a la Paz, el Grupo de Trabajo sobre Justicia Internacional y Derechos Humanos and Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture. [Protective Measures in the Inter-American Human Rights System](#), and [Guatemala: Attacks on Jurists 2005-2009](#).

LRWC Publications

❖ *Judges and the Rule of Law: the prosecution of Judge Garzón in Spain*, written statement to the 16th session of the Human Rights Council, filed 14 February 2011. This statement was filed jointly by LRWC, the Asian Legal Resources Centre and the International Association of Democratic Lawyers and endorsed by Asociación Española para el Derecho Humano a la Paz (AEDIDH) and el Grupo de Trabajo sobre Justicia Internacional y Derechos Humanos. The statement was prepared by Gail Davidson and Lydia Vicente from East Timor working on behalf of the el Grupo de Trabajo sobre Justicia Internacional y Derechos Humanos. In reliance on the ECOSOC General status of ALRC we were able to file a 2,000 word statement. The word count for written statements was severely reduced this session when footnotes were included for the first time as part of the allowable number of words. To meet this new restriction, LRWC filed the statement with the footnotes and a note indicating the URL of the [version with footnotes](#).

❖ *Bangladesh: Continuing Impunity* by John Cotter, Bangladesh monitor. LRWC will file a statement based on this report for the 17th Session of the HRC in June.

❖ *Pakistan: Far It Has Come in 2010 ...Far It Needs to Go* by John Cotter, member of the Pakistan monitoring group. LRWC plans to file a statement on Pakistan for the 17th Session of the HRC based on this report.

❖ [Protective Measures in the African Union](#) by Chelsea Thomas B.A., J.D. This report was prepared as part of the LRWC research on the availability of effective preventative measures for advocates in danger from regional bodies. This report is a companion to [Protective Measures in the Inter-American Human Rights System](#), and [Guatemala: Attacks on Jurists 2005-2009](#). LRWC is scheduled to meet with Margaret Sekaggya, UN Special Representative on Human Rights Defenders in Geneva to discuss these reports.

LRWC Members in the News

LRWC Director Marjorie Cohn has just released her new book: *The United States and Torture: Interrogation, Incarceration, and Abuse*. *The United States and Torture* opens with a compelling preface by Sister Dianna Ortiz, who describes the unimaginable treatment she endured in Guatemala in 1987 at the hands of the Guatemalan government, which was supported by the United States. Then a psychologist, a historian, a political scientist, a philosopher, a sociologist, two journalists, and eight lawyers offer one of the most comprehensive examinations of torture to date, beginning with the CIA during the Cold War era and ending with today's debate over accountability for torture. Ultimately, this gripping, interdisciplinary work details the complicity of the United States government in the torture and cruel treatment of prisoners both at home and abroad and discusses what can be done to hold those who set the torture policy accountable. Copies are available from Amazon, Barnes & Noble, and NYU Press.

LRWC Director Paul Copeland was interviewed on February 22 by [Democratic Voices of Burma](#). Paul, who has been working for democracy in Burma for over 20 years, talked about the November elections, the continuation of sanctions, Canadian mining in Burma and calls for International Criminal Court investigations of atrocities by the military regime.

Dr. Arthur's Clark's talk on "[A Paradox of Wartime and a Vision of Global Community](#)" is now available online and will be broadcast over cable television networks in BC. Dr. Clark, who believes that law and democracy are interdependent, is a LRWC donor and the founder of the Calgary Centre for Global Community (CCGC). LRWC supports the work of CCGC and has contributed proposals for human rights education and training programs and presentations on international human rights law. Dr. Arthur Clark's talk is about his book, *The ABCs of Human Survival* and what the role civil society must play to end war and achieve peace and universal justice. For broadcast schedules see www.pasifik.ca.

Report on Indigenous Land Rights

On 17 February 2011 the Inter-American Commission on Human Rights released, [Indigenous and Tribal People's Rights over Their Ancestral Land and Natural Resources: Norms and Jurisprudence of the Inter American Human Rights System](#). This report examines the scope of indigenous and tribal peoples' rights over their territories, lands, and natural resources based on the legal instruments of the Inter-American system, as interpreted by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights in the light of developments in general international human rights law. It also aims to point out specific problems, guidelines, and best practices to enhance the enjoyment of human rights by indigenous and tribal peoples.

Notable Decision - Spain

On February 25, 2011, a full panel of Judges of the Audencia Nacional (Spain's High Court) rejected a Spanish prosecutor's effort to stop an investigation of U.S. officials for torture. In March 2009, Judge Garzón had ordered prosecutors to investigate a criminal torture complaint against former U.S. Attorney General Alberto Gonzales and the five other legal advisors who helped plan both the use of torture and the means to get away with it.¹ In support of the investigation and prosecution, the Center for Constitutional Rights and the European Center for Constitutional (CCR) and Human Rights filed [written submissions](#) on the facts and the law. Diplomatic cables released by Wikileaks in December 2010 reveal that U.S. authorities tried to stop the prosecution through behind-the-scenes pressure tactics in apparent violation of judicial and prosecutorial independence in Spain. That pressure is suspected of contributing to the proceedings against Judge Garzón that have resulted in his suspension. The CCR issued a statement calling the court's decision monumental, "a victory for accountability and a blow against impunity."

¹ Others charged are: William Haynes II, former general counsel for the Department of Defense; John Yoo, the former Justice Department lawyer who wrote secret legal opinions saying President George W. Bush had the authority to circumvent the Geneva Conventions; Douglas Feith, former undersecretary of defense for policy; Jay Bybee, Yoo's former boss at the Justice Department's Office of Legal Counsel; and David Addington, chief of staff and legal adviser to ex-Vice President Dick Cheney.

Human Rights Education and Training

Online: Presentations made by [Paul Copeland](#) and [Robert Diab](#) at LRWC's 2010 Annual General Meeting are now available on YouTube. Paul spoke on the topic of "Criminal Violations, Civil Liability, Professional Misconduct and Unethical Practices: Lawyers in National Security Work." Robert spoke about "The Psychology of National Security: Refuting Claims that Human Rights Are Incompatible with Effective Counter-terrorism Measures." Both videos are also available on [Vimeo](#).

Wars, Lies and Wikileaks: Gail Davidson gave a presentation on *Wikileaks and the Right to Truth* at this public event hosted by StopWar.ca and held February 17, 2011 at Simon Fraser University's Harbour Centre campus. Other presenters were Micheal Vonn from BC Civil Liberties Association on *The National Security State* and Ian Beeching of StopWar.ca. Speaking notes for the presentations by Davidson and Vonn are available on request.

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