

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 – April 2011 Edition

LRWC Action News

Bahrain: LRWC (Maria Feoktistova) [wrote](#) to protest the unlawful arrest of Mohammed al-Tajer, prominent social activist and lawyer, Mohammed al-Tajer, in his home on April 15, 2011. Over 20 masked security officers entered his home in the middle of the night and confiscated his family's personal property. Mr. al-Tajer was taken into custody without any explanation and was never shown an arrest warrant. He has had little contact with his family since his arrest and was never informed of the charges against him. LRWC is further troubled by arrests of 499 opposition activists following protests in Bahrain in February and March of this year.

Brazil: On 24 March 2011, Brazilian lawyer and blogger Ricardo Gama was shot three times in the Copacabana neighbourhood of Rio de Janeiro. Mr. Gama's blog often contains criticisms or evidence of wrongdoing by Rio politicians and senior police officers. He has taken sides on public issues and had announced his opposition to Rio governor Sérgio Cabral and the city's mayor, Eduardo Paes. The police are not ruling out the possibility that the shooting was related to his blogging. Mr. Gama is reportedly recovering in hospital. On April 1st Vicheka Lay [wrote](#) reminding authorities of their obligation to protect the Mr. Gama's work as a lawyer and a government critic.

Cambodia: LRWC and the Halifax-based Centre for Law and Democracy (CLD) have issued a [joint statement](#) on Cambodia's draft law on "Associations and Non-Governmental Organizations." The LRWC/CLD statement expresses concern with proposed conditions restricting the formation, registration, and operation of NGOs, the ability to reject NGO applications based on vague conditions, burdensome registration and reporting requirements, oversight of the system by a political body, namely the Ministry of the Interior, opening up the possibility of official harassment of NGOs, and the harsh penalties for minor infractions of these conditions. The proposed law establishes an unreasonable hurdle to peoples' right to freedom of association as defined in the International Covenant on Civil and Political Rights. LRWC and CLD urge the Cambodian government to restart the process of developing the legislation with a more inclusive, cooperative, and accountable approach. A number of other NGOs also expressed concern with this draft legislation, including Amnesty International, FIDH, Forum Asia, Front Line Defenders, Global Witness, Human Rights Watch, OMCT, and Southeast Asia Press Association.

China: Disappeared Lawyers - Following LRWC letters by Clive Ansley and LRWC communications to the Working Group on Enforced and Involuntary Disappearances, Human rights lawyer Jiang Tianyong has been released. The authorities have placed Tang

Jitian under illegal house arrest and continue to hold Teng Biao in incommunicado detention at an unknown location. The lawyers were arrested at the end of February 2011 following a crackdown by Chinese authorities on any potential protests or civil actions as part of a “Jasmine Revolution”.

China: Ni Yulan - Former lawyer and housing advocate, Ni Yulan and her husband Dong Jiqin were arrested on 7 April 2011. Subsequently both were charged with “*picking quarrels and provoking trouble*.” This is the third time since 2002 that Ni Yulan has been detained for a significant length of time. Each time, she has suffered physical and mental abuse at the hands of the police – in 2002, she had her knees and feet broken by police and has been in a wheelchair since. LRWC and the Amsterdam-based Lawyers for Lawyers sent a joint [letter](#) (by Jessica Fletcher) to Chinese authorities calling for the immediate release of Ni Yulan and her husband.

Mexico: Javier Torres, environmental and human rights activist in Guerrero, was killed near his hometown of La Morena in Sierra de Petatlán, Guerrero. Javier Torres fought against the razing of forests to grow opium poppies. He was a colleague of Digna Ochoa and in 2007 accused Rogaciano Alba Alvarez of, inter alia, ordering the 2001 murder of lawyer Digna Ochoa. In 2008 Torres was kidnapped — his family suspected by the military — and tortured for 10 days. In December 2008 the Inter-American Commission of Human Rights ordered protective measures for Torres which were not provided. On February 16th 2010 the 19th Infantry Battalion of the military accompanied by civilians associated with Rogaciano Alba opened fire in La Morena, Torres had already fled. His brother was killed and his uncle wounded. On April 18, 2011, Torres was shot and killed while in his car and another brother was injured. There have been no proper investigations of any of the attacks that preceded his murder. LRWC and the Hamburg-based Ini-Mex had written to authorities calling for protective measures and proper investigations in December 2008 and March 2010. The INI-Mex and LRWC [letter](#) of 26 April 2011 was reported on in the El Sur newspaper.

Background to the Torres murder

On 19 October 2001, human rights lawyer Digna Ochoa was shot to death in her Mexico City office. Ms. Ochoa had brought international attention to the use of torture by the military on to force confessions on false charges in the notorious case of Guerrero peasant ecologists Rodolfo Montiel and Teodoro Cabrera. At the time of her death, it was widely accepted that she had been “assassinated” because of her work as a lawyer; and, second, the involvement of government agents was suspected. Prior to her death, Digna Ochoa had expressed the opinion that the military was involved in the attacks and threats against her, an opinion shared by human rights groups familiar with the controversial nature of her legal cases. LRWC, on the basis of two in-country reviews of government investigations of her death and subsequent research continues to be of the opinion that there has never been a proper investigation of either the possible involvement of state agents or the threats and assaults that preceded Ochoa’s death, and further that there is no credible evidence that Ms. Ochoa committed suicide.

The international human rights community has continued to recognize Ochoa's outstanding contribution as a human rights advocate. On 6 June 2002, Global Exchange awarded her the International Human Rights Award. On May 23 2003, the prestigious Ludovic-Trarieux Human Rights prize was awarded to Ms Ochoa (LRWC was a nominator) by the Institute des Droits de l'Homme du Barreau de Bordeaux (IDHBB) in partnership with the European Lawyers Union (UAE-Human Rights).

Mexico: Inés Fernández Ortega & Valentina Rosendo Cantú

On 15 March 2011 Ines Fernández, Valentina Rosendo and their lawyers met with Mexican government representatives in what is hoped to be the first step in carrying out the recommendations made by the Inter-American Court of Human Rights on 1 October 2010. The case involves a 2002 complaint alleging that members of the military raped two indigenous woman in Guerrero. In Mexico complaints of criminal wrongdoing against members of the military are handled by the military system and result in an impunity rate of close to 100%. LRWC filed an amicus brief with the Court in June 2010 on rule of law and advocacy rights violations within the military system that have prevented investigation and remedies. On 1 October 2010, the Court ruled that Mexico was in violation of a number of obligations arising from the *American Convention on Human Rights* and determined that using the military justice system to investigate and prosecute human rights abuses allegedly committed by the military violates the fair trial guarantees in the Convention. The Court's recommended, inter alia, that Mexico re-open the investigation, ensure that the women were properly compensated, and take measures to prevent such abuses of the justice system.

Philippines: Members of the Morong 43 have filed a civil case for damages against former President Gloria-Macapagal-Arroyo. The Morong 43 were arrested and detained for ten months in 2010 on charges of illegal possession of firearms and explosives. They were finally released in December of 2010 after admittance by the current administration that they had been "illegally arrested"; This followed intense pressure from both international and domestic NGOs, including LRWC. The group is now claiming for damages amounting to 2.5 Philippine Pesos per person (approximately 58,000 USD). Counsel for the group Edre Olalia, quoting the complaint, stated that "*the illegal arrest and arbitrary detention of the Morong 43 were human rights violations perpetrated by foot soldiers and policemen under Arroyo's aggressive policy of Oplan Bantay Laya. All activities under the program were with the 'knowledge, acquiescence, tolerance, inducement and/or upon the orders of Arroyo and Gonzales'*"

Olalia is secretary-general of National Union of Peoples' Lawyers (NUPL), a group that has launched a campaign against impunity in the Philippines with the support of LRWC and a number of other organizations including, among others, the Integrated Bar of the Philippines, the International Association of Democratic Lawyers, the Haldane Society of Socialist Lawyers of the UK, and the Japanese Association of Lawyers for International

Solidary Action. The campaign is based on the failure of the state to effectively investigate violations and to take adequate measures to ensure the prosecution, trial, and punishment of perpetrators.

Swaziland: LRWC and United Food and Commercial Workers of Canada (UFCW Canada), [wrote](#) regarding the wrongful peremptory arrest of lawyer Mary Pais da Silva, Maxwell Dlamini, and Sifiso Mabuza of the Swaziland National Union of Student and Themba Mabuza of the Swaziland United Democratic Front. These people, along with scores of others were arrested in advance of a planned pro-democracy march, organized by a broad coalition of trade unions and civil society organizations to protest a variety of issues including the 25 year reign of King Mswati. Naveen Mehta wrote condemning state action to prevent the peace assembly of labour and opposition groups to express their demands for democracy and basic human rights.

Vietnam: Lawyer Cu Huy Ha Vu was sentenced by the Hanoi People's Court to seven years of imprisonment and three years of house arrest for "propaganda against the Republic Socialist Republic of Vietnam" under Article 88 of Vietnam's Criminal Code. Darlene Kavka [wrote](#) on behalf of LRWC condemning the sentence and reminding authorities that Cu Huy Ha Vu is considered a prisoner of conscience having been prosecuted in reprisal for his work in defending human and environmental rights in Vietnam.

LRWC in the News

An article in The Province from 3 April 2011 reported on LRWC's response to Amnesty International's "Getting Back on the 'Rights' Track" report. The report argues that Canada has "*turned its back on universal human-rights principles.*" LRWC's Gail Davidson is quoted, saying that "*Canada has transformed from a peacekeeping country that really took a leadership role in the development of international human rights to a war-making country that violates international human-rights laws.*" The full article can be read [here](#).

Focus on Enforced Disappearances

The UN Working Group on Enforced and Involuntary Disappearances (WGEID) has made a series of [recommendations](#) to the Mexican government on the prevention, investigation, punishment, and reparation of enforced disappearances. The WGEID highlights that there is a lack of comprehensive public policy, and there is no "*vertical and horizontal coordination among federal, local, and municipal levels nor within the same level of government.*" The recommendations follow a visit to Mexico by three members of the WGEID. They note that "*impunity is a chronic and present pattern in cases of enforced disappearances.*"

The Working Group has also expressed concern over the recent wave of enforced disappearances that have taken place in China over the last few months. The WGEID has stated that "*persons subject to enforced disappearances appear to be human rights activists, lawyers and students.*" Last month LRWC submitted communications to the WGEID on the illegal arrests and detention of lawyers Teng Biao, Tang Jitian, Jiang Tianyong, and Tang Jingling. Since that time, only Jiang Tianyong has been released (see above for more information).

Notable Development: Organisation of American States

The Inter-American Commission on Human Rights (IACHR) has established an Office of the Rapporteur on the Situation of Human Rights Defenders on 1 April 2011. The post will be held by Commissioner José de Jesús Orozco Henríquez. There had been requests by a number of human rights organizations to establish an effective mechanism to offer better protection to human rights defenders. The work of the new Office of the Rapporteur should provide support and visibility to the work of human rights defenders and “justice operators” – also included in the rapporteur’s mandate – in the construction of democratic societies.

LRWC Annual General Meeting

Congratulations to LRWC & LRW(LR)C 2010-2011 Board of Directors!

LRWC is pleased to announce the election of the following people to sit on the LRWC and LRW(LR)C board of directors:

Lawyers Rights Watch Canada

Kelley Bryan, Law Society of Upper Canada, Toronto, ON

Marjorie Cohn, California Bar, Thomas Jefferson School of Law, San Diego, CA

Paul D. Copeland, Law Society of Upper Canada, Toronto, ON

Gail Davidson, Law Society of BC, Vancouver, BC

Leo McGrady QC, Law Society of BC, Vancouver, BC

Harini Sivalingam, Law Society of Upper Canada, Toronto, ON

David F. Sutherland, Law Society of BC, Vancouver, BC

Lawyers Rights Watch (Legal Research) Canada

Clive Ansley, Law Society of BC, Courtney, BC

Cara Gibbons, Law Society of Upper Canada, Toronto, ON

Jane Henderson, QC, Law Society of BC, Vancouver BC

Catherine Morris, Law Society of BC, University of Victoria, Victoria, BC

Paul Schabas, Law Society of Upper Canada, Toronto, ON

Margaret (Peggy) Stanier, Law Society of BC, Vancouver, BC

Maureen Webb, Law Society of Upper Canada, Chelsea QC