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Promoting human rights by protecting those who defend them

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LRWC Action News

Brazil

❖ **Reply: Assassination of José Cláudio Ribeiro da Silva and Maria do Espírito Santo da Silva**

The Ministry of Justice replied to LRWC's May 31st letter calling for an effective investigation of the murders of the husband and wife team of environmentalists, killed for their work promoting sustainable use of forest resources and opposing illegal logging. The Director of Communications advised that President Dilma Rousseff had issued a public notice condemning the murders, confirming the many other murders of environmental activists since 2000 and promising affective investigations and punishments for the perpetrators. LRWC will continue to monitor the case.

❖ **Reply: Shooting and wounding of Ricardo Gama**

President Rousseff's office wrote that LRWC's April 1st letter has been sent to the proper authorities.

Colombia – Death threats against lawyer, Julio Cesar Rosero

Julio Cesar Rosero received deaths threats apparently intended to stop him from representing Jenny Torres, the wife of Edison Yimel Villanueva, in the trial of eight members of the Urban Counter-Terrorism Special Forces Group and the Group of Unified Action for Personal Liberty, accused of murdering Mr. Villanueva and three other men in 2007. On June 12, LRWC and Lawyers Without Borders Canada sent [a joint letter](#) to President Juan Manuel Santos urging him to take decisive action to ensure the safety of Julio Cesar Rosero and others involved in the case. LRWC called on President Santos to ensure that the perpetrators of the threats against the lawyer are identified and held accountable, threats against lawyers and other human rights defenders are publicly denounced, and that Colombia fulfils its obligations under international law to protect the ability of lawyers and others to engage in advocacy.

Mexico – Protective Measure required for Human Rights Centre

The Inter-American Court of Human Rights (IACtHR) ordered the Mexican state, in April 2009, to put in place protective measures necessary to ensure the integrity and security of 107 human rights defenders at the Center for Human Rights of the Montana Tlachinollan (Tlachinollan), the Me'phaa Indigenous Peoples' Organization (OPIM), and the Organization for the Future of the Mixtec Peoples (OFPM). The Tlachinollan office in Ayutla de los Libres, closed in March 2009 because of concerns for safety in the face of sustained threats to Tlachinollan lawyers and their clients, re-opened on June 16, 2011. LRWC [called on the government](#) to provide the protective measures ordered by the IACtHR.

Syria – Arrest and detention of lawyer Sabri Mirza

Sabri Mirza was arrested and transferred to an unknown location on June 13, 2011 in apparent reprisal for his legal representation of Kurdish people involved in peaceful demonstrations in Quamishly and his statement that dialogue between government officials and the Kurds would be possible only if the government officials refrained from further violence against peaceful protesters. LRWC [wrote](#) calling for a number of remedies including Sabri Mirza's release and medical treatment. LRWC has since learned that the court has ordered Mirza's release and the withdrawal of charges.

Inter-American Commission on Human Rights – LRWC files amicus curiae brief in *Hul’Qumi’Num Treaty Group v Canada, Case no. 12.734*

On June 3, 2011 LRWC filed an [amicus curiae brief](#) in support of the Hul’qumi’num Treaty Group’s (HTG) petition to the Inter-American Commission on Human Rights (IACHR), which alleges that Canada violated rights protected by the Inter-American Human Rights System. Canada seized without consent or compensation the lands occupied and owned by the Hul’qumi’num and then ceded the rights, title and interests in the wrongly seized lands and resources to third parties. The claim before the IACHR relates to land on Vancouver Island seized in the 1880s by Canada and then granted to non-indigenous colonial settlers. Part of the HTG claim relates to the 385,000 hectares parcel of land granted to Robert Dunsmuir in 1884 for building the E & N Railway between Nanaimo and Victoria.

LRWC’s brief examines Canada’s violations of the Hul’qumi’num’s internationally protected right to equality and freedom from discrimination and Canada’s duty to remedy persistent disadvantages arising from historical wrongs and continuing acts that constitute discrimination. An examination of the history of relations between Canada and the Hul’qumi’num reveals both *de jure* and *de facto* violations of the right to equality and non-discrimination through practices spanning over 140 years. These practices include Canada’s: preferential treatment of settlers’ property rights; refusal to respect the Hul’qumi’num system of land tenure; uncompensated seizure and wrongful alienation of the Hul’qumi’num lands and resources; unequal and discriminatory treatment of the Hul’qumi’num under English law; enactment of discriminatory laws and practices. Such practices effectively restricted and continue to restrict, the economic, political, social and cultural rights of the Hul’qumi’num and other indigenous people. The LRWC brief asserts that these practices and the conditions they created restricted and continue to impede equal and non-discriminatory access to judicial remedies.

The Hul’qumi’num are now among the poorest people in British Columbia while those occupying their ancestral territories are among the wealthiest. LRWC’s brief was prepared by Heather Neun, Grace Woo and Gail Davidson, with research assistance from law students Andrew Gualgio (UBC) and Rebeka Lauks (UofT). Amnesty International will file an amicus curiae brief on the issue of third party interests. The HTG petition is expected to be heard by the IACHR in Washington D.C. in October 2011. LRWC hopes to have a representative attend to speak to the LRWC brief.

LRWC at the 17th Session of the UN Human Rights Council in Geneva May 30 – June 17th

❖ LRWC co-hosts Combating Impunity: The role of judges and lawyers

Cara Gibbons attended the 17th session of the Human Rights Council in Geneva on June 3rd to attend and report on the parallel event on, “Combating Impunity: The role of judges and lawyers.” This event was organized by LRWC, the Asian Legal Resource Centre (ALRC) and el Grupo de Trabajo sobre Justicia Internacional y Derechos Humanos (el Grupo) and was co-sponsored by the International Commission of Jurists and Human Rights Watch. Speakers were Judge Baltasar Garzón of Spain, Wolfgang Kaleck of the European Centre for Constitutional and Human Rights (ECCHR) and Robert Husbands, of the UN Office of the High Commission for Human Rights (OHCHR). The session was moderated by Immaculada Barcia of ALRC and translation was provided by Kathy Bijleveld (Spanish to English), Barbara Gual (English to Spanish) and Mike Grimsditch (bilingual) all of whom volunteered their services. All three speakers examined the purposes, potential and challenges of using universal criminal jurisdiction to prosecute widespread criminal violations of internationally protected human rights and combat impunity.

Judge Garzón spoke primarily about the difficulties of investigating cases where suspected perpetrators are state authorities. Wolfgang Kaleck spoke about universal jurisdiction as one of the tools to combat impunity, the role of lawyers and the importance of civil society initiating prosecutions. Robert Husbands

explained the OHCHR's efforts to combat impunity by: 1) transmitting knowledge of international human rights law and human rights instruments; 2) capacity building, and 3) persuading states to change their practice, and to securing state engagement towards this change.

The presentations were followed by discussion between the panellists and participants as they made interventions on various issues related to the use of universal jurisdiction and other legal measures to combat impunity. Interventions on impunity for widespread crimes were made in reference to Sri Lanka, Mexico, Rwanda and with respect to post-conflict situations. The event was well-attended and resulted in lively and engaging discussion amongst both panellists and participants. A full report will be available soon.

❖ **Sri Lanka War Crimes Identified**

LRWC member Gary Anandasangaree attended the 17th session of the HRC from May 30 – June 3 to attend events regarding investigations of war crimes in Sri Lanka. On 25 April 2011 the [Report of the Secretary General's Panel of Experts](#) on Accountability in Sri Lanka was officially released. The findings of the panel belied the assertions of the government of Sri Lanka that they had engaged only in a "humanitarian rescue operation" with no civilians casualties. The panel concluded that, "the conduct of the war represented a grave assault on the entire regime of international law..." The Sri Lanka government responded by convening a conference ("Defeating Terrorism: The Sri Lankan Experience") on May 31st at the UN headquarters in Geneva. Amnesty International responded by holding a parallel event on June 3rd to premiere to documentary, "[Sri Lanka Killing Fields](#)". This BBC film depicts horrific crimes described by Christof Heyns the UN Special Rapporteur on extra-judicial killings, as "definitive war crimes". Gary attended the May 31st Sri Lanka government conference, the Amnesty event and the LRWC's event on combating impunity.

❖ **International Human Rights Education and Training (IHRET) Research**

LRWC Director Catherine Morris was in Geneva from June 14 – 23 to attend the last **three** days of the 17th Session of the UN Human Rights Council (HRC) and to research current theory and practice relating to international human rights education and training (IHRET). At the HRC, Catherine presented a [joint statement by the Asian Legal Resource Centre and LRWC](#) about attacks on journalists and human rights defenders in Bangladesh and Pakistan. The video of this joint statement can be viewed at <http://www.un.org/webcast/unhrc/archive.asp?go=110615#pm2> (scroll down).

While in Geneva Catherine met with representatives from the Office of the High Commissioner of Human Rights, the HRC's Working Group on Elimination of Discrimination against Women, the International Commission of Jurists, Human Rights Watch, Pax Romana and the Geneva Academy of International Humanitarian Law and Human Rights. The purpose of these meetings was to investigate the experience of human rights specialists regarding links between reliable human rights enforcement and the availability of IHRET programs and to discuss state and NGO responses to the development of the UN draft Declaration on International Human Rights Education and Training. LRWC has received a grant from the Law Foundation of BC to prepare a report on the international law responsibilities of states regarding IHRET and human rights education practices in British Columbia.

Report on Mexico: *Corruption, Impunity Silence: The War on Mexico's Journalists*

LRWC Director and Mexico Monitor Cara Gibbons and Beth Spratt, on behalf of PEN Canada and the International Human Rights Program at the Faculty of Law at the University of Toronto, co-wrote "Corruption, Impunity, Silence: The War on Mexico's Journalists," which was released on June 3, 2011. The report exposes the Mexican government's repeated failure to protect the human rights of journalists, state complicity in human rights violations and details how the Mexican legal framework exacerbates the problem by limiting freedom of expression. The report is based in part, on interviews conducted during a fact-finding trip to Mexico in November 2010. It exposes Mexico as one of the most dangerous countries in the world to be a journalist. Media workers are frequently targets for murder, kidnapping, threats and

judicial harassment. In June 2011, a journalist, his spouse and child were gunned down in their home in Veracruz, a journalist was murdered by gunmen in Sonora, another journalist was kidnapped in Acapulco and the body of a fourth journalist, missing since March, was discovered. Most of these journalists report on criminal organizations, which are often blamed for the attacks. The report, however, exposes the central role of Mexican authorities in perpetuating the problem by ensuring impunity, failing to address government corruption and colluding with criminal elements. Canadian media coverage of the report included a June 3rd Globe and Mail op-ed by John Ralston Saul, president of PEN International. Mr. Saul states that " This war, commonly described as a struggle against government corruption; police, military and political links to organized crime; and described as a struggle against drug lords, has a great deal more to do with decades of institutionalized limitations on freedom of expression." The report and its executive summary may be downloaded from the University of Toronto's website at <http://tinyurl.com/6bmcqdqk> and <http://tinyurl.com/6cle46f>

International Civil Liberties Association (ICLMG) General Assembly

On behalf of LRWC, Vicheka Lay attended the General Assembly of the ICLMG, held at the Université du Québec à Montréal on June 7, 2011. Other groups attending included Canadian Council for International Cooperation, Canadian Labour Congress, Public Service Alliance of Canada, Canadian Council for Refugees, and the Confederation of Canadian Unions. Participation in the ICLMG forum provides LRWC with access to information regarding Canadian law and policy that contravenes international human rights law obligations or rule of law principles. A report is available.

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