

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

August 2011 Edition

LRWC Letters for Lawyers

BRAZIL:

Brazilian judge, Patricia Acioli, was gunned down on August 12 by masked assailants. Judge Acioli was ambushed and shot 16 times in front of her home in Niterói, Rio de Janeiro, apparently in retaliation for her adjudication in the trial and conviction of members of the “Milicias” of Rio – an illegal paramilitary group which includes off-duty state police. Judge Acioli did not have police protection even though she was known to be on the group’s hit-list and had received several threats.



In what appears to be a political move, the murder investigation has been delegated to the state police of Rio de Janeiro, thus preventing the possibility of an impartial and independent investigation, as required under international law.



On August 22, LRWC sent a [letter](#) to Brazilian President, Dilma Vana Rousseff and Brazilian Attorney General, Roberto Monteiro, calling on the government to meet international legal obligations to ensure a prompt, transparent and competent investigation at the Federal level, independent from the State of Rio de Janeiro whose police agents are possible involved. The offer by Federal police to investigate has been declined by Rio de Janeiro Governor Sergio Cabral Filho. LRWC has also asked that adequate protection be provided for Judge Acioli’s husband and three children.

CANADA:

LRWC recently posted a [letter](#) to Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, critiquing his August 9 [response](#) to Amnesty International Canada’s (AI) August 2 [Open Letter](#) to the Minister. In their Open Letter, AI criticized the Canadian government’s method of dealing with approximately 30 individuals believed to be residing in Canada who have been accused of war crimes and crimes against humanity. AI argued that the government’s approach of using the immigration system to deport those suspected of war crimes and crimes against humanity instead of using the criminal justice system to prosecute them does not allow Canada to meet its international legal obligations as it:

- 1) “fails to ensure that such individuals will in fact face justice”; and,

- 2) “fails to adequately safeguard against the possibility that in some cases, the individual concerned might be at risk of serious human rights violations” if returned to their country of origin.

In his response, Mr. Kenney accused AI of engaging in “self-congratulatory moral preening” and suggested that Amnesty International Canada is “wasting its time and resources” by addressing human rights issues in Canada instead of focusing on “brutal regimes” abroad. Minister Kenney went on to characterize Amnesty International as “ostentatious,” “naive,” “sloppy” and “irresponsible” in its criticisms.

LRWC’s letter denounced Mr. Kenney’s implication that AI has no right to criticize the Canadian government and requested that he “demonstrate respect for the work of all independent human rights organizations in Canada and elsewhere, and that he cease and desist from any attacks on the right of Amnesty International and other organization working to uphold internationally recognized human rights principles and practices in Canada.”

LRWC’s letter also reiterated that immigration proceedings are not intended to take the place of criminal proceedings, as they are not designed for and do not result in determinations of guilt or criminal accountability. Further, LRWC reminded Minister Kenney that Canada has the legal obligation to prevent and punish certain crimes (torture, war crimes and crimes against humanity) by denying safe haven from prosecution to suspects found in Canada who must be prosecuted in Canada or extradited to a jurisdiction willing and able to prosecute.

SYRIA:

On August 15, LRWC sent a follow-up letter to our [July 14 appeal](#) to the government of Syria regarding the travel ban against Mr. Danial Saoud, the President of the Committees for the Defence of Democratic Freedom and Human Rights. In June, 2011, Mr. Saoud was prevented from attending a meeting of the Executive Committee of the Euro-Mediterranean Human Rights Network in Egypt. LRWC has yet to receive a response from the Syrian government and has repeated its appeal that the government: 1) lift the travel ban on Mr. Danial Saoud both domestically and internationally; 2) ensure Mr. Danial Saoud’s freedom of expression and his freedom to disseminate information and criticize the government of Syria; and, 3) ensure that Mr. Danial Saoud is not subjected to harm from agents of the Syrian government or others.



VIETNAM:

The seven year prison sentence of human rights defender Cu Huy Ha Vu was recently upheld in appeal by the Supreme People’s Court in Hanoi. Mr. Cu Huy Ha Vu was convicted of “propaganda against the Socialist Republic of Viet Nam”, under Article 88 of Vietnam’s Criminal Code. A defender of cultural, environmental and civil and political rights, Mr. Cu Huy Ha Vu was targeted for his continuing attempts to hold the government and private actors accountable for their violations of human rights.

The charges against Cu Huy Ha Vu have been criticized by international human rights organizations, including the World Organization Against Torture (OMCT), which called them “utterly politically motivated” and “yet another example of the ongoing repression of fundamental rights in Viet Nam.” According to OCMT, Mr. Cu Huy Ha Vu has been denied the right to a fair and public hearing, by a competent, independent and impartial tribunal. The appeal lasted only have a day and was closed to foreign media.



Darlene Kavka recently followed up on this situation with a [letter](#) to the government of Vietnam.

Important Updates

Attorneys' March in Support of Attorneys in China:

LRWC's China monitor Clive Ansley was invited to join U.S. attorneys to protest the treatment of lawyers in China in a march to the Chinese Consulate-General in Los Angeles and a rally at Southwestern University. The event scheduled for September 16, 2011, has been cancelled because of difficulties securing facilities, but the American attorneys intend to organize new protests in support of Chinese human rights lawyers suffering brutal repression by the Chinese Communist Party/State.

Various American Bar Associations and related societies of advocates have spoken out on behalf of our Chinese colleagues over the years, and several have conferred honours on courageous Chinese human rights lawyers who have been disbarred, imprisoned, and tortured by state officials. Canadian lawyers, in contrast, have been largely silent. Chinese lawyers and other advocates engaged in human rights work are routinely intimidated, beaten, imprisoned, disbarred, disappeared, and/or tortured for engaging in advocacy for clients and causes critical of Chinese Communist Party policies. On July 28, 2011, human rights defender Mao Hengfeng was released from prison and returned to her family unconscious, injured and in a wheelchair, as a result of her treatment while in prison. She remains under police surveillance and was again beaten by police on July 31 when she left her motel. An advocate for reproductive rights and victims of forced evictions in Shanghai, Mao had been arrested in February 2010 and sentenced to 18 months of re-education through labour for protesting the unfair trial of Nobel Laureate Liu Xiaobo after he was sentenced to 11 years imprisonment for co-authoring a proposal for legal reform and an end to one-party rule. Those interested in becoming a member of the LRWC China monitoring group should contact lrwc@portal.ca.

Joining LRWC

Leticia Sakai: LRWC's new representative in Geneva

LRWC wishes to introduce Leticia Sakai who, as of the end of September, will act our new representative in Geneva, Switzerland. Ms. Sakai is a native of Brazil, a member of the Brazilian Bar Association, and is currently working towards her PhD in International Law at the Sorbonne in Paris, France – her focus being on the protection of state sovereignty and international protection of human rights. Ms. Sakai has long history of involvement in the field of international law and international human rights, which has included work as an intern for the UN High Commissioner for Human Rights, the International Federation for Human Rights, and the Human Rights Department of the Permanent Mission of Brazil to the UN. LRWC would like to extend Leticia a warm welcome. We are proud to have such an accomplished and passionate ally in the continuing fight to protect the rights of advocates around the world.



Maria da Penha Guidoni Cuthbert: LRWC's new Portuguese translator

LRWC would also like to introduce Maria da Penha Guidoni Cuthbert, who is now acting as our Portuguese translator. Ms. Cuthbert, originally from Espirito Santo, Brazil has a background in law and social science. She has been a member of the Bar Association of Espirito Santo and worked as a sociology teacher before coming to Canada. In addition to her dedication to volunteerism, Ms. Cuthbert brings her interest in human rights and minority issues to LRWC. We are pleased to have Ms. Cuthbert join the LRWC team.

International Law Links

- [LRWC Primer on the Inter-American Human Rights System](#)

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