

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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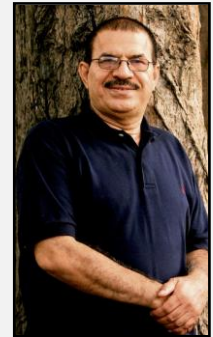
LRWC NEWSLETTER

September 2011 Edition

LETTERS FOR LAWYERS

BAHRAIN:

LRWC received a reply from the Bahrain embassy in Washington, DC, in response to our 31 May 2011 [letter](#) concerning the unlawful detention of Mr. Abdulla Alderazi and the travel ban on Mr. Essa Al-Ghayeb. The Bahrain embassy asserts that Mr. Alderazi was lawfully detained during “the declaration of the national safety period in accordance to the laws and regulation of the government which ensures all his lawful rights.” Mr. Alderazi was charged with the criminal offence of “spreading false information about Bahrain” as per Articles 167 and 176 of the Criminal Code of Bahrain, which is punishable by jail and/or fines. Concerning Mr. Al-Ghayeb, the embassy claims Mr. Al-Ghayeb was never included on their no-fly list, despite reports to the contrary.



LRWC will follow up on this reply letter to inquire about the particulars of the charges against Mr. Alderazi, which appear to relate to sedition or publishing false news, both widely rejected as illegitimate crimes.

CAMBODIA:

In recent months, several Cambodian human rights defenders and NGOs have been the victims of threats and harassment by the Cambodian government for expressing concerns about violations of citizens' land rights. Some examples include:

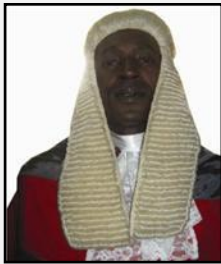
1. The organization Sahnakum Teang Tnaut, had their registration as an NGO suspended for five months following publication of a report concluding that the compensation offered to households slated for resettlement to make way for a railway was too low,
2. Staff members of ADHOC are being investigated on incitement charges as a result of comments made in a 2009 news broadcast promoting human rights education and advocacy to assist villagers to understand their legal right to oppose violations of their land rights, and
3. The Cambodian Center for Human Rights (CCHR) and the Natural Resource Protection Group (NRPG) were prevented by heavily armed police officers from conducting human rights training and assisting community members to peacefully assert their threatened land rights.

On September 9, LRWC [wrote](#) to the Cambodian government, calling for an end to actions designed to silence or intimidate human rights defenders and civil society groups engaged in advocacy and education to enhance the implementation and enforcement of human rights in Cambodia.

CAMBODIA: LRWC ENDORSES JOINT STATEMENT

LRWC and the [Centre for Law and Democracy](#) (CLD) sent a [joint statement](#) to the Cambodian government commenting on the third draft of the Law on Associations and Non-Governmental Organizations (NGO law). While laws regulating NGOs that protect the public interest and adhere to the standards and principles of international human rights law are not inherently objectionable, such regulatory regimes should comply with international standards, and be ‘necessary in a democratic society’ as provided in Article 22(2) of the International Covenant on Civil and Political Rights, which Cambodia has ratified. LRWC and CLD are concerned that the current draft NGO law: (a) fails to distinguish between groups claiming tax-free status and those which do not; (b) prohibits all activities of unregistered associations and NGOs; (c) stipulates unduly onerous requirements; and, (d) contains significant problems concerning the process of registration and appeals. While sources in Cambodia say that the NGO law has been sent back to the Ministry of Interior for revision, LRWC understands the government has still not agreed to a voluntary registration regime.

GAMBIA:



LRWC [wrote](#) to the government of Gambia to express concern over the apparently extra-legal conviction and sentencing of human rights advocate and lawyer, Moses Richards. Mr. Richards, who has worked as both a High Court Judge and as a lawyer on politically sensitive cases, was charged with “giving false information” (to a public officer) and “sedition,” and was sentenced to two years imprisonment with hard labour. The charge of sedition appears to be based on allegations that Mr. Richards wrote a letter intending to excite disrespect for the President of Gambia.

LRWC believes the charges are illegitimate and the prosecution and conviction ill-founded. It appears the criminal proceedings were brought against Mr. Richards as a reprisal for his human rights advocacy. LRWC’s letter notes that jurisprudence in common law jurisdictions has clearly established that “only an intention to incite violent overthrow of lawfully constituted authority coupled with action(s) likely to achieve the prohibited result could constitute sedition, but that even this narrowly defined offence has fallen into disuse.”

LRWC is putting out a call to any LRWC Members who are interested in following up on this situation. If you are interested, please [contact us](#).

THAILAND:

Mr. Thongnak Sawekchinda, an environmental activist in Samut Sakhon province, was murdered on 28 July 2011. LRWC wrote a [letter](#) urging the Thai government to conduct a thorough and impartial investigation of this murder to ensure that those responsible are held accountable in accordance with international human rights law binding on Thailand. While several suspects have been arrested or have turned themselves in, LRWC’s concern is sustained by Thailand’s record of inadequate investigation, political influence, and poor protection of witnesses in politically sensitive cases. There have been allegations that the murder of Mr. Thongnak Sawekchinda was directed by persons of influence. LRWC considers this case to be part of a pattern of impunity with regard to attacks on and killings of human rights defenders, including environmental and community activists.



IMPORTANT UPDATES

OAS Human Rights Commission Grants Hearing on Hul'qumi'num Land Claim

On October 28, 2011, the Inter-American Commission on Human Rights (IACHR) in Washington, DC, will hear the Petition of the Hul'qumi'num Treaty Group (HTG) – a group which is comprised of six British Columbia First Nations. The HTG Petition charges Canada with “the uncompensated taking of their ancestral territory for the benefit of private forestry and development corporations on Vancouver Island.”

In June, 2011, LRWC filed its [amicus curiae brief](#) on behalf of the HTG.

According to Robert Morales, LL.B, Chief Negotiator for the HTG, this hearing “marks a significant event in the history of Aboriginal/Indigenous Human Rights in Canada and beyond.” The HTG [press release](#) notes that, “a victory in the case for HTG could throw the [Canadian] government’s entire process for negotiating and implementing treaties involving land claims with First Nations across Canada into serious question.”



LRWC member Heather Neun will attend the Merits hearing to defend LRWC’s amicus brief. LRWC is currently seeking \$2500 in donations to fund Heather’s attendance at the hearing. Please visit our [website](#) to contribute to LRWC’s participation in this historic event. If you choose to donate, please notify us via email, so that we may allocate your donation to this important cause. As well, airline points can be donated to assist with Heather’s travels in exchange for a tax-deductible donation certificate.



HUMAN RIGHTS COUNCIL PARTICIPATION

LRWC at the 18th Session of the Human Rights Council, September 12-30, 2011



Gary Anandasangaree attended this session of the UN Human Rights Council (HRC) on behalf of LRWC and contributed to discussions on a number of key issues: the crisis of impunity and lack of accountability; the need for effective protective measures for human rights defenders under attack; human rights violations and lack of accountability in Sri Lanka; and the need for the Human Rights Council to act to prevent and remedy reported human rights violations.

On the accountability/impunity issue, Gary met with representatives of NGOs, missions and UN bodies, attended sessions of the HRC, and made oral presentations. During this session, the HRC adopted (without a vote on Sept. 29) a resolution creating a new special mandate holder on the promotion of truth, justice, reparations, and guarantees of non-recurrence. ([A/HRC/18.L.22](#)) The mandate of the new Special Rapporteur, who will be appointed at the March session of the HRC, will be to examine national truth and reconciliation commissions, justice systems, and other post-conflict mechanisms in order to

promote best practices in countries recovering from atrocities. Although LRWC and other groups are disappointed that the new mandate does not apply more broadly to the crisis of impunity, we hope to be able to promote improved accountability through working with the new Special Rapporteur. [Other HRC resolutions](#) of interest to LRWC were passed, as well.

Gary Anandasangaree made two oral presentations to the HRC:

- A statement calling on the HRC to adopt the recommendations of the March 31/11 report of the Secretary General's [Panel of Experts on Accountability in Sri Lanka](#). This statement was delivered to the HRC on Sept. 12 under item 2, interactive dialogue.
- A statement on the crises of unresolved enforced disappearances. This statement was delivered on Sept. 15 under item 3 general debate.

Gary attended a meeting to review a draft resolution regarding human rights in Sri Lanka and made a presentation on the role of the HRC to discuss reports of human rights abuses. He met with representatives from several missions to discuss methods of providing immediate support to human rights defenders in danger.

NOTABLE NEW PROJECTS

Lawyers for Lawyers asks for LRWC's help in developing a new digital knowledge database on the Basic Principles on the Role of Lawyers

LRWC's Amsterdam-based partner, Lawyers for Lawyers (L4L), is developing a comprehensive online database to catalogue and make available information regarding the Basic Principles and Role of Lawyers (BPRL). L4L hopes that the existence of such a database will lead to the increased use of and reliance on BPRL worldwide, and that the database will prove a valuable resource to lawyers who most need the protection of BPRL.

LRWC is assisting by providing permission for L4L to use LRWC documents that address the Basic Principles.

The database is expected to be launched in November, 2011 and will be accessible via L4L's [website](#).

NEW PUBLICATIONS

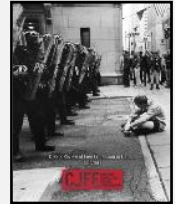
Protesters' Guide to the Law of Civil Disobedience in British Columbia: 'Take Back our Community' Edition, Leo McGrady Q.C.

This edition of the [Law of Civil Disobedience Guide](#) was produced by Leo McGrady Q.C. for the recent Comox [special community forum](#) led by McGrady and Maude Barlow of Council for Canadians. The forum sought to educate community members on their rights and responsibilities relating to peaceful protest and direct action.

NOTABLE REPORTS

CJFE's Review of Free Expression in Canada 2010/2011

This year's review by the organization, Canadian Journalists for Free Expression, focuses on the ongoing inquiry into the 2010 Toronto G20 Summit, as well as Wikileaks, and access to information for journalists. The report can be accessed [here](#).



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