

LRWC NEWSLETTER

February – March 2018 Edition

LRWC ACTION NEWS AND UPDATES

CAMBODIA

Cambodian land rights defender Tep Vanny sentenced



Tep Vanny

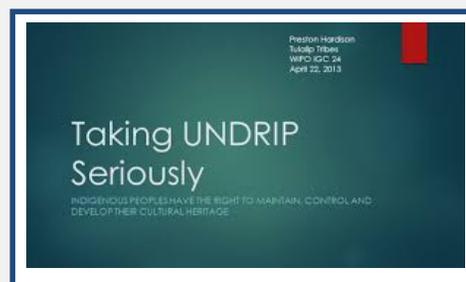
On 7 February 2018, Cambodia land rights defender and Boeung Kak Lake community representative Tep Vanny has been sentenced to 30 months in prison on charges of “intentional violence with aggravating circumstances,” after the Supreme Court rejected her appeal against her conviction. Ms. Tep Vanny has been arbitrarily detained since August 2016, when she was arrested while participating in a peaceful protest in Phnom Penh. She has been denied bail twice and has been ordered to pay fines and compensation payments totalling fourteen million riel (\$4,517.Cdn) in addition to the prison sentence. The charges are in relation to a peaceful protest she attended in 2013, in support of then-jailed Boeung Kak activist Yorm Bopha. LRWC advocacy on behalf of Ms. Yorm Bopha included [a petition to the UN Working Group](#) on Arbitrary Detention, which was resolved in her favour and an [Amicus Brief](#) in Khmer to the Supreme Court requesting her release.

CANADA

Report to the OHCHR for the Universal Periodic Review of Canada

LRWC and Lawyers Without Borders Canada (LWBC) filed [joint submissions for the 3rd UPR of Canada](#) scheduled to take place in Geneva in May. Notice of the filing in October 2017 was omitted from the September-October 2017 Newsletter. LWBC and LRWC recommend that Canada:

- a. Enact specific laws and adopt mechanisms to supervise Canadian corporations operating extraterritorially and hold them accountable through judicial oversight;
- b. Increase engagement in the Inter-American Human Rights system and ratify the American Convention on Human Rights and other OAS treaties;



- c. Comply with the Truth and Reconciliation Commission Calls to Action; and,
- d. Fully implement UNDRIP.

Submissions on Consular Services for Canadians at risk abroad



LRWC submitted [a report](#) for consideration by the Standing Committee on Foreign Affairs and International Development on the topic of Provision of Assistance to Canadians in Difficulty Abroad (Consular Affairs). Written by LRWC UN Liaison Director Catherine Morris, the report summarizes Canada’s international law obligations to ensure rights to life, liberty, freedoms from torture, enforced disappearance and hostage-taking, and access to effective remedies when these rights are violated abroad. Canada does not currently recognize consular protection or diplomatic intervention as the right of all Canadians subjected to grave violations of internationally protected rights. Instead, Canada provides consular services on a discretionary basis. The absence of human rights-based criteria for provision of consular services and diplomatic intervention has resulted in inconsistency, inequality, and discrimination. Canadians at risk abroad are exposed to continuation of rights violations without access to adequate legal protection, judicial oversight, or remedies. There is an urgent need to reform Canada’s laws and policies to comply with Canada’s international human rights obligations and to prevent and remediate grave violations against Canadians abroad. The report has been translated, distributed to Committee members and [posted](#) on the Committee’s website. More information on the Committee can be found [here](#).

Discrimination and inequality mar legitimacy of investigation and reliability of trial

LRWC commented on, and made recommendations about state responses to the 9 August 2016 shooting death of Colten Boushie, a Cree resident of the Red Pheasant First Nation of Saskatchewan (letters dated [9 March](#), [12 March](#), [12 February](#)). LRWC voiced concerns that discrimination and inequality resulted in a response, investigation, prosecution and trial that failed to comply with Canada’s international human rights law (IHRL) obligations to remedy the unlawful deprivation of life.



Colten Boushie

Within a day of Mr. Boushie’s death, it appeared that a focus on criminalizing the victim and his companions, was hampering a proper investigation and preventing the collection, preservation and analyses of critical evidence. The trial followed the path laid by the inadequate investigation and proceeded without presentation or testing of evidence that could have elucidated the truth. LRWC alerted the Premier and Attorney General of Saskatchewan to IHRL duties to appoint independent investigators, when, as in this case, local police were seen to be incompetent. LRWC also called on the Attorney General of Saskatchewan to ensure an appeal of the verdict and appointment of an independent commission of inquiry to examine the investigation, prosecution and trial and make recommendations. In spite of an apparent wealth of grounds for appeal, the Attorney General announced on 7 March there would be no appeal, saying his review indicated, “everything was done appropriately.” Acting Chair Guy Bujold announced a

Chair-initiated Complaint and Public Interest Investigation by the Civilian Review and Complaints Commission to determine whether the RCMP response to and investigation of the extra-judicial killing of Colten Boushie was “reasonable.” LRWC sent a preliminary list of issues for investigation ([21 March](#)) to the CRCC with a reminder that in order for an investigation to be ‘reasonable,’ it must comply with applicable IHRL including the ICCPR, the UN Investigation Principles, and the Minnesota Protocol. LRWC concerns were reported by media in Saskatchewan and across Canada including by CBC and APTN. No government responses were received.

CHINA

Report to the OHCHR for the Universal Periodic Review (UPR) of China



LRWC and Lawyers for Lawyers (L4L) [filed joint submissions](#) for consideration during the 3rd UPR of China scheduled for October-November 2018. LRWC recommendations (Jing Song, Maree Bullivant, Gail Davidson) highlighted urgent needs for reform to ensure: an independent judiciary, abolition of Residential Surveillance at a Designated Location, effective measures to prevent and punish the use of torture by police and to release and compensate victims of arbitrary detention. L4L recommendations (Su Chun Lin, Sophie de Graaf)

highlighted China’s violations of lawyers’ rights to provide legal representation for clients and causes unpopular with State authorities and of rights to expression, association, assembly and to participate in public affairs. LRWC plans to engage in follow-up at the fall UPR session, in cooperation with Amsterdam-based L4L and the Hong Kong-based China Human Rights Lawyers Concern Group.

PAKISTAN

Lawyers Muhammad Idrees and Pervez Akhtar Murders shot and killed

LRWC [has written](#) (Hanna Bokhari) to the Government of Pakistan following the murders of two lawyers. Muhammad Idrees was shot and killed on 5 February 2018 by Taliban militants while in his father’s shop. Pervez Akhtar was killed two days later when two unknown assailants on motorcycles opened fire on his car while he was driving to court. There have been no arrests in either case. As a member of the UN Human Rights Council, Pakistan has an obligation to protect the right to life and to “uphold the highest standards in the promotion and protection of human rights.” LRWC has written numerous times to the Government of Pakistan concerning the murders of lawyers. There has been no response to the letters. In light of the recent murders, LRWC urges the Government of Pakistan to conduct a thorough and impartial investigation into the murders of Muhammad Idrees, Pervez Akhtar and other deceased lawyers. LRWC also asks that there be protective measures implemented to protect lawyers, and for the Government of Pakistan to publically denounce and condemn all attacks on the legal community. LRWC communications regarding Pakistan can be found [here](#).

SUDAN

Three lawyers arrested and held incommunicado by NISS



Moahamed Abdallah el Doma

LRWC is gravely concerned about the fate of three lawyers arrested and held incommunicado by the National Intelligence and Security Service (NISS). On 17 January 2018, co-vice-president of the National Umma Party and chairmen of the Darfur Bar Association Mohamed Abdallah El Doma was arrested in Omdurman. Then, on 1 February 2018, lawyers Saleh Mahmoud and Mohammed Al-Hafiz were also arrested

in Khartoum. The whereabouts of the three men, along with roughly 40 others, is currently unknown. Reports indicate that they have been denied access to legal counsel, family and medical treatment and have been subject to torture, harsh conditions and verbal and physical abuse. The use of prolonged, incommunicado detention gives rise to serious concerns about the safety of individuals in NISS custody. In a letter to Sudanese officials (Joe Hoffer), LRWC urges authorities to disclose the whereabouts of the three men, make public the reasons for the detention, and ensure access to medical care and legal counsel.

Detention of Osman Salih, Salih Mahmoud Osman, Amjed Fareed

LRWC is gravely concerned with the arbitrary detention of three lawyers and human rights defenders in Sudan. Lawyer Osman Salih was arrested 10 January 2018 during a peaceful protest about increases in the cost of basic commodities. On 15 January 2018 the security committee ordered him to be detained for six months under emergency law. Mr. Salih is diabetic and was transferred to a police hospital on 11 March 2018 for stomach problems caused by high blood sugar levels. It is reported that he was only given access to medicine after three days in detention. The Vice-Chairperson of the Darfur Bar Association, Mr. Salih Mahmoud Osman, and blogger Amjed Fareed were also detained on 1 February and 31 January 2018 respectively. The [19 March 2018 LRWC letter](#) (Joe Hoffer) strongly condemns the ongoing arbitrary detention and urges Sudan to immediately and unconditionally release Mr. Osman Salih, Mr. Salih Mahmoud Osman, and Mr. Amjed Fareed.



Salih Mahmoud Osman

TURKEY



Dr. Hidayet Karaca

Journalist and broadcaster Dr. Hidayet Karaca faces another prosecution on top of 31-year sentence

LRWC objects to the continuing extra-legal persecution of Turkish broadcaster and journalist Dr. Hidayet Karaca. Dr. Karaca was sentenced to 31 years of imprisonment on charges of establishing and managing an armed terrorist organization, and he is now facing further prosecution. Although it is illegal to be tried twice for the same crime, Dr. Karaca is now standing trial in an Ankara

court on the same charges underlying his conviction and the prosecutor is seeking a life sentence. Dr. Karaca's lawyers have also been arrested, along with the two judges who had previously ordered his release. It is reported the Board of Judges and Prosecutors (HSK) has threatened other judges with the same consequences for making similar decisions. The [LRWC letter](#) (Brian Samuels) calls on Turkey to uphold its international law obligations, and to ensure the immediate and unconditional release of Dr. Karaca and any of his lawyers and judges in detention.

UN Human Rights Council, 37th Session, 26 February – 23 March

LRWC Attendance

LRWC member Dharsha Jegatheeswaranduring attended from 5-9 March to meet with representatives of NGOs, the HRC, Special Procedure, the ICRC. and States about the continuing lack of accountability for atrocities in Sri Lanka and to call for effective remedial action for the families of the disappeared. Victims' families are particularly concerned that the Sri Lanka's Government's Office of Missing Persons lacks both the trust of victim communities, and the capacity to function effectively without a concurrent independent judicial mechanism.



Oral Statements

LRWC worked in cooperation with other NGOs to produce four oral statements for presentation during the 37th session of the HRC. In spite of being registered, scheduling difficulties prevented the actual presentation of all four oral statements. LRWC and other NGOs preparing and endorsing the statements tried to compensate through other means of distribution.

- **Sri Lanka:** [Need to use universal jurisdiction to ensure accountability for atrocities](#). This statement was scheduled for presentation on 10 March by Ms. Dharsha Jegatheeswaranduring the General Debate.
- **Universal Periodic Review Process:** [State Action need to promote global implementation of rights including of LGBTQ people](#). This joint statement by LRWC, the International Bar Association Human Rights Institute (IBAHRI) and the International Lesbian, Gay, Bisexual, Trans and Intersex Association was scheduled for presentation on 1 March by a representative of IBAHRI;
- **China, Turkey, Azerbaijan, Kazakhstan:** [Attacks on the legal profession in China, Azerbaijan, Kazakhstan and Turkey](#). This joint statement by the International Commission of Jurists (ICJ), IBAHRI, Union Internationale des Avocats (UIA), Lawyers for Lawyers (L4L), Law Society of England and Wales (LSEW), LRWC, and the Bar Human Rights Committee of England and Wales (BHRC) was scheduled for presentation on 1 March by a representative of ICJ during the Interactive Dialogue with the Special Rapporteurs on Human Rights Defenders and Torture.
- **Turkey:** [Immediately cease and remedy arbitrary arrest, detention and wrongful prosecution of legal professionals and the use of torture](#). This joint statement by the IBAHRI, BHRC, Judges for Judges, L4L, LRWC, LSEW and UIA was scheduled for delivery on 28 February during the Interactive Dialogue with the SR on Torture.

Joint letters to the HRC and to State representatives on issues of concern

LRWC participated on two joint letters regarding grave human rights abuses by China and a draft resolution.

Joint Letter on China

Before the 37th Session of the UN Human Rights Council, LRWC and fourteen other organizations sent a [joint letter](#) to each government delegation urging them to send a message to China on the issue of human rights. Since President Xi Jinping came to power in 2013, Chinese authorities have unleashed a ferocious crackdown on human rights defenders and have undermined key legal protections for peaceful expression and association and the right to a fair trial. In March 2016, UN member states spoke out



Liu Xia, Widow of Deceased Nobel Peace Prize Winner Liu Xiaobo

collectively on China's concerted effort to silence dissent and restrict fundamental freedoms. UN member states have also regularly raised China in their national statements, and such concerted pressure has been an important factor in restraining Chinese government repression. The joint letter called on government delegations to reaffirm support for the 2016 statement, and to call for the release of all arbitrarily detained human rights defenders and abolition of residential surveillance in a designated location. The letter made a difference: Canada, the EU, Germany, and the U.S. called for the release of named people and Germany called for abolition of RSDL and visits by the Special Procedures.

Joint Letter on the Draft Resolution

LRWC and eighteen other international human rights organizations called on HRC members and observer states through a [joint letter dated 9 March](#) (initiated by International Service for Human Rights), to reject China's resolution, *Promoting the International Human Rights Cause through Win-Win Cooperation*. The letter criticized the resolution for undermining accepted international human rights law and principles, and for promoting "win-win cooperation" focused predominantly, if not exclusively, on cooperation between States. The draft resolution failed to call on States to cooperate with the HRC and to refrain from reprisals against individuals or groups seeking to cooperate with HRC mechanisms. The resolution also suggested no consequences for persistent non-cooperation with the HRC by states. The NGO signatories warned that adoption of draft resolution as drafted could significantly undermine the ability of the HRC and its mechanisms to protect and promote human rights. Very unfortunately, the HRC adopted the resolution with the US casting the only vote against and some states (Australia, Switzerland, Japan and Britain) abstaining.

Written Statements

- **China:** [The arrest, detention, conviction, and imprisonment of lawyers and human rights defenders in China: the silencing of human rights defenders through criminal law and executive controlled courts](#), by Jing Song and Maree Bullivant, February 2018.
- **Turkey:** [The situation of lawyers and other human rights defenders in the Republic of Turkey since July 2016](#) by Carolyn McCool, February 2018.

LRWC prepared two written statements on extra-legal crackdowns against lawyers and other HRDs in China and Turkey using arbitrary detention, illegitimate prosecutions on charges too vague to be either avoided or defended and the use of executive controlled courts to impose automatic convictions and lengthy sentences. These reports were not formally filed with the HRC because of administrative constraints and have instead been sent to the Special Rapporteurs on the independence of judges and lawyers, the situation of human rights defenders and others.

CONFERENCES and GLOBAL CAMPAIGNS

Day of the Endangered Lawyer



As part of the global 2018 Day of the Endangered Lawyer activities on 24 January, a panel discussion was held at Dalhousie University's Faculty of Law, co-sponsored by the CBA Young Lawyers and Human Rights Sections and the John E. Reid International Law Society. Danny Graham, QC prominent Halifax lawyer, spoke about his international work and lessons learned in the field as an advisor to Justice Canada and the United Nations, as well as a consultant to the governments of Thailand, Jamaica, Tanzania and Ukraine. Christine Hanson, CEO of the Nova Scotia Human Rights Commission, spoke of her immense global work which included working as the deputy director of the Human Rights and Humanitarian Law and the Criminal and Security Law sections and serving at Canada's Mission to the United Nations in New York. Both panelists focused comments on the important work completed by human rights defenders. The event was organized by Angela Walker, who moderated the panel and gave an introductory presentation on human rights defenders in Egypt.

Viet Nam Cyber Dialogue - Internet Freedom Festival

LRWC was invited to participate in the 2nd annual Viet Nam Cyber Dialogue (VCD), a side event of the Internet Freedom Festival. The event was held March 3-6 2018 in Valencia, Spain, and was attended by the Viet Nam Monitor for LRWC, Joshua Lam. The VCD was hosted by Viet Tan and co-sponsored by Reporters Without Borders, Article 19, and Radio-Free Asia. The purpose of the conference was to discuss ongoing issues in Viet Nam related to digital security, the crackdown on freedom of expression, and the threats against human rights defenders and advocates. Speakers and topics ranged from frontline defenders using tech tools to circumvent state surveillance and internet censorship measures, to international NGO's working to use UN Special Procedures mechanisms to advocate for human rights defenders. From the conference it was clear that there are ongoing campaigns and interventions that LRWC will continue to be a valued contributor to. More information on the event can be found [here](#).



ANNUAL GENERAL MEETING – 27 April 2018

The Annual General Meeting of Lawyers' Rights Watch Canada and Lawyers' Rights Watch (Legal Research) Canada will be held on Friday, 27 April 2018, from 3:00 pm to 5:00 pm (Pacific Standard Time) at 150 – 900 Howe Street, Vancouver BC. LRWC members can attend in person or by telephone. Members who have paid their 2018 fees (regular, \$50; concession \$15) can vote. Voting must be in person or by telephone as proxy voting is not currently allowed. Items on the Annual General Meeting include: nomination and election of Directors, review and discussion of 2017 financial statements, reports of LRWC 2017 activities and successes, voting on resolution to membership fee, and discussion of 2018 work and challenges. RSVP to lrwc@portal.ca.

LRWC Members Working Pro Bono in January & February

Clive Ansley, Hanna Bokhari, Maree Bullivant, Gail Davidson, Joe Hoffer, Joshua Lam, Gavin Magrath, James Mitford, Carolyn McCool, Catherine Morris, Renee Mulligan, Brian Samuels, Jing Song, Melissa Tessler, Grace Woo.

LRWC is a volunteer-run organization. Let us know if you have time to do pro bono work. Visit LRWC's online Volunteer page to view and sign up for work and monitoring positions currently available. Email us at lrwc@portal.ca for access.

We welcome feedback on Newsletter content, format, and delivery. Mail subscriptions are also available.

Fees and donations can be made by cheque, [PayPal](#), or [Canada Helps](#).

Monthly donations increase LRWC's ability both to respond quickly and plan ahead.

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