

LRWC NEWSLETTER

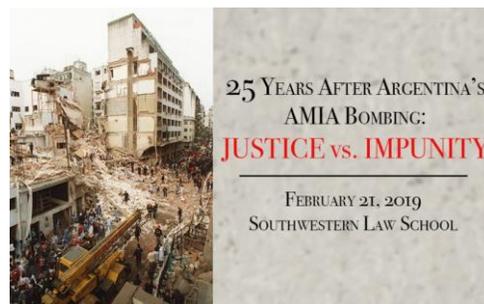
February-March 2019 Edition

LRWC ACTION NEWS and UPDATES

ARGENTINA

25 Years after Argentina's AMIA Bombing: Justice vs. Impunity - Symposium

Nearly 25 years after the bombing at AMIA Jewish Community Centre in Buenos Aires, attorneys and human rights activists gathered at a symposium at Southwestern Law School in Los Angeles titled, "25 Years After Argentina's AMIA Bombing: Justice vs. Impunity." American and Argentine speakers, most attorneys, spoke about the unsuccessful attempts to learn the facts and hold perpetrators accountable for the bombings that killed 85 people in 1994. This symposium comes six weeks after Jewish leaders unveiled a memorial plaque in honour of Argentine federal prosecutor Alberto Nisman, who was the Special Prosecutor of the AMIA bombing investigation. Nisman was found murdered 19 January 2015, hours before he was scheduled to give evidence to Congress regarding his complaint accusing Cristina Fernández de Kirchner and Héctor Marcos, then President and Foreign Minister of Argentina, of attempting to shift blame for the bombing. LRWC has [previously written letters](#) to the government of Argentina urging the appointment of an independent commission of inquiry to investigate the murder and an investigation of the state's failure to provide protective measures in spite of death threats made against Nisman.



Event Poster from Southwestern Law School

CAMEROON

Working Group on Arbitrary Detention (WGAD) reviews detention of Mancho Bibixy Tse

The WGAD initiated a review of the case involving newscaster Mancho Bibixy Tse in response to the [14 July 2018 LRWC letter](#) identifying his trial and sentencing as unlawful. The WGAD sought and obtained submissions from Cameroon and invited LRWC's response. Mancho Bibixy, a popular radio personality reporting on injustices suffered by Anglophone Cameroonians, was convicted by a military tribunal in April 2018 and subsequently sentenced to 15 years in prison and a fine of 268 million francs CFA (408,564 Euros). He was convicted on charges of "acts of terrorism", "secession", "propagation of false information", "revolution", "insurrection", "contempt of public bodies and public servants", and "hostility against the homeland". LRWC filed



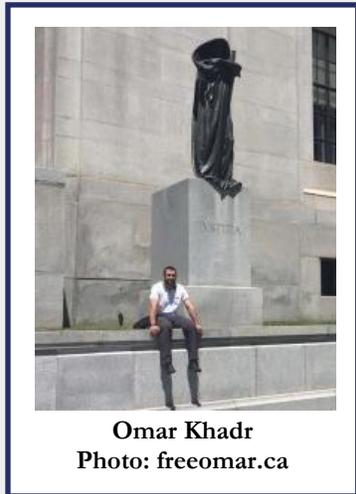
Mancho Bibixy Tse

submissions in response to those of Cameroon on [5 February 2019](#) and [14 February 2019](#) (prepared by Rob Lapper Q.C., Gail Davidson, and Felix Nkongho). LRWC submissions highlighted violations of rights to assembly, dissent, expression, fair trial; trial before a civilian court, legal aid, and freedom from discriminatory prosecution. LRWC also submitted that the charges violated the principle of legal certainty and the sentence failed to respect dignity and rights (*nullum crimen, nulla poena sine lege apta*), and failed to satisfy the principle of necessity (*nullum crimen, nulla poena sine necessitate*), the prerequisite of injustice (*nullum crimen, nulla poena sine injuria*), and the principle of guilt (*nullum crimen, nulla poena sine culpa*).

CANADA

Alberta Court rules that sentence illegally imposed on Omar Khadr has expired

On 25 March 2019, Alberta's Court of the Queen's Bench (ACQB) in [Khadr v Warden of Bowden Institution 2019 ABQC 207](#) ruled that the eight-year prison sentence illegally imposed on Omar Khadr by the Guantanamo Bay prison military tribunal in October 2010 has expired. Mr. Khadr was captured by the U.S. on 2 July 2002 and unlawfully detained and treated first in Bagram prison and then in Guantanamo Bay prison until being transferred to the custody of Canadian officials on 29 September 2012. In Canada, Mr. Khadr was imprisoned under harsh conditions until being granted judicial interim release



on 5 May 2015 pending the outcome of his appeal in the U.S. The unlawful Gitmo sentence was deemed by Canada to have stopped 'running' once interim release was granted. Before the ACQB, Khadr's lawyer Nathan J. Whiting sought and obtained an order under the *Youth Criminal Justice Act* that the 'sentence' would expire upon Mr. Khadr serving one day of conditional release. Both the Alberta Crown and the Attorney General of Canada asked the Court to keep Khadr on conditional release for an additional 3 ½ years. LRWC applauds the decision of Chief Justice Moreau.

The unlawfulness of the Guantanamo Bay sentence, charges, detention, torture and other ill-treatment and the military tribunal proceedings (under Canadian and international human rights and humanitarian law, including the Geneva Conventions), was not before the Court. Canada's duty to provide full redress for the participation of Canadian officials in violations of Khadr's rights was brought before

the UN Committee Against Torture (CAT) through reports filed by LRWC and the International Civil Liberties Monitoring Group in 2012 and 2018. Currently LRWC is working with the [Free Omar Now](#) group to ensure Canada's compliance with the CAT recommendations. Canada has yet to comply with CAT recommendations to: a/ provide verification of the facts and full and public disclosure of the truth; b/ obtain an official declaration or judicial decision restoring the dignity, the reputation and the rights of Mr. Khadr; and, c/ ensure judicial and administrative sanctions against persons liable for the violations against Mr. Khadr. CAT has requested a further report (by December 2019) from Canada on the Khadr case. After the ACQB decision, Omar Khadr said, in a published statement, "I would like to thank Lawyers Rights Watch for bringing my case forward to the United Nations Committee Against Torture."

Groups call on Canada to stop arms sales to Saudi Arabia

On the 4th anniversary of the Saudi-led coalition war on Yemen, Canadian groups urge Canada to stop arms sales to Saudi Arabia including the \$15 billion dollar sale of light armoured vehicles. The 26 March [letter](#) by the Canadian Defenders for Human Rights and endorsed by 17 Canadian groups including LRWC, Amnesty International, the Rideau Institute and the Yemini Community of Canada, brings attention to the worsening war-related crises threatening the lives of an estimated 80% of the people of Yemen.

CHINA

Lawyer Wang Quanzhang unlawfully detained since August 2015

LRWC joined three prominent international law organizations and the German Bar Association to again [call for the immediate release](#) of lawyer Wang Quanzhang, unlawfully imprisoned under brutal conditions since 3 August 2015. The UN Working Group on Arbitrary Detention (WGAD) concluded on 12 October 2018 ([A/HRC/WGAD/2018/62](#)) that Mr. Wang's detention contravenes articles 9, 10, 11 and 19 of the Universal Declaration of Human Rights and is unlawful and recommended he be immediately released and compensated in accordance with international law. China has subjected Wang Quanzhang to: arbitrary arrest, enforced disappearance, prolonged pre-trial detention, lack of a public trial, illegitimate charges; trial by an executive controlled court, lack of access to a lawyer of his own choosing, and other prohibited treatment. Earlier, LRWC, in cooperation with 30 organizations, published a statement ([28 January 2019](#)) condemning the conviction and the sentence of Wang Quanzhang.



40 NGOs urge States to pass a resolution calling on China to stop rights abuses

40 NGOs including LRWC endorsed an [open letter dated 30 January 2019](#) asking States to present to the Human Rights Council in March a resolution calling on States to support a Human Rights Council resolution urging China to: allow UN monitoring of Uyghur, Turkic and Tibetan areas; stop criminalization of human rights advocacy; and immediately release all person subjected to unlawful detention. This initiative was planned by the Chinese Human Rights Defenders.

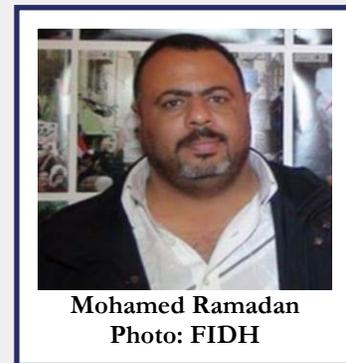
China pressures states not to participate in event on rights abuses in Xinjiang

In a 7 March 2019 letter to Ambassadors in Geneva, China warned states, “in the interest of our bilateral relations and continued multilateral cooperation”, not to participate in or co-sponsor a side event in Geneva on Xinjiang. The side event was co-sponsored by the US, Canada, the UK, Germany and the Netherlands. Human Rights Watch released a [copy of the letter](#) from Yu Jianhua, Ambassador for China, and stated, “growing global outcry over [China’s] mistreatment of Xinjiang’s Muslims has sent China into panic mode, using public as well as private pressure to block concerted international action.” The Universal Periodic Review of China was before the Human Rights Council. LRWC and Lawyers for Lawyers submitted a joint report.

EGYPT

Lawyer Mohamed Ramadan arrested again

On 10 December 2018, Egyptian human rights lawyer Mohamed Ramadan was arrested by plainclothes security officers. This arrest came just days after Mohamed Ramadan posted a photo of himself on Facebook wearing a yellow vest in solidarity with the “Yellow Vest” movement in France. Mohamed Ramadan is reportedly being held in solitary confinement without sanitary facilities and he continues to suffer from serious health complications and a lack of medical care in custody. In response to an earlier arrest, LRWC sent a letter on [20 April 2017](#) calling for his release and amendments to Egypt’s Anti-Terrorism law, under which Mohamed Ramadan was charged, to provide clear guidelines for the criminal definition of “terrorist act” and to ensure the law fully complies with Egypt’s international law obligations.



Mohamed Ramadan
Photo: FIDH

IRAN

Lawyer Nasrin Sodouteh sentenced to 38 additional years in prison and 148 lashes



Nasrin Sodouteh

On 13 March 2019, LRWC sent a [letter](#) (Gail Davidson and Catherine Morris) calling on Iran to quash all sentences against Nasrin Sodouteh and to immediately release her from prison. Ms. Sodouteh has been arbitrarily detained in Tehran's Evin Prison since 13 June 2018, serving a five-year sentence imposed at an *in absentia* hearing. In 2011, the [UN Working Group of Arbitrary Detention](#) found that Ms. Sodouteh's detention was due to the exercise of freedom of thought, opinion and expression and her work as a human rights defender, and that her deprivation of liberty was arbitrary. In March 2019 she was notified that she had been sentenced on seven other charges to 38 additional years in prison and 148 lashes. All the most recent charges appear related to her work as a lawyer, including

representation of women arrested for protesting compulsory veiling laws and persons sentenced to death after conviction for crimes committed while they were juveniles. In a 14 March 2019 [news release](#), five United Nations experts expressed their shock and deep concern about Ms. Sodouteh's lengthy prison sentence and called on the Iranian authorities to release her and all lawyers arbitrarily detained because of their work defending Iranian's legal and human rights. LRWC is following up with a report to the High Commissioner of Human Rights on the illegality of flogging sentences. LRWC is producing a brief on the illegality of flogging sentences and use.

PHILIPPINES

Lawyers investigate killings and harassment of lawyers in the Philippines

After increasing reports of attacks of lawyers, judges and prosecutors in the Philippines, a group of nine lawyers from six countries are conducting an international fact finding mission. Lawyers from Belgium, Italy, Japan, Korea, the Netherlands and the United States are collecting information from government authorities, human rights groups and victims about the alarming rate of extrajudicial killings of lawyers and judges. The Integrated Bar of the Philippines has reported that 38 lawyers have been killed under President Duterte who was elected 30 June 2016. The Preliminary Findings released 18 March 2019 indicate a sharp increase in killings, harassment, surveillance and criminalization of lawyers since 2016 with impunity for perpetrators and a lack of effective protection for lawyers at risk. The Observatory publication, ["I will kill you along with drug dealers", President Duterte's War on Human Rights Defenders in the Philippines](#) chronicles intentional targeting of human rights defenders with a variety of attacks.

Philippines withdraws from the International Criminal Court

Withdrawal of the Philippines from the International Criminal Court (ICC) was completed on 17 March 2019. President Rodrigo Duterte announced the withdrawal last March in response to the ICC Office of the Prosecutor's February 2018 announcement of a preliminary investigation into accusations that crimes against humanity had been committed by Duterte and state authorities during the government's crackdown on drugs.



SAUDI ARABIA

NGOs call on States to condemn human rights abuses in Saudi Arabia

52 NGOs including LRWC sent an [Open Letter in February 2019](#) to over 30 Ministers of Foreign Affairs of States calling on UN Member States to adopt a resolution at the 40th session of the UN Human Rights Council calling on Council to monitor and recommend remediation of widespread grave human rights abuses in Saudi Arabia and urging the immediate release of arbitrarily imprisoned human rights defenders. The letter lauds states such as Denmark, Finland, Germany, the Netherlands, Norway and Switzerland, for ending arms sales to Saudi Arabia and calls on other states follow suit. 36 States followed with a statement to the Council condemning Saudi Arabia's human rights abuses.



Women’s rights defenders. Left to right: Loujain Al-Hathloul, Eman Al-Nafjan, Aziza Al-Yousef

36 Sates condemn human rights abuses and call for release of human rights defenders

On 7 March 2019, Iceland presented to the UN Human Rights Council the [joint statement](#) of 36 States joining with the High Commissioner and Special Rapporteurs in calls on Saudi Arabia to release women’s rights defenders, including Samar Badawi, and all others “detained for exercising their fundamental freedoms.” The extraordinary joint statement condemned and called for accountability for the murder of Jamal Khashoggi and called on Saudi Arabia “to take meaningful steps to ensure that all members of the public, including human

rights defenders and journalists, can freely and fully exercise their rights to freedoms of expression, opinion and association, including online, without fear of reprisals.” The countries that signed this joint statement are: Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. LRWC sent [a letter on 12 March 2019](#) (Gail Davidson and Tamara Friedman) thanking Canada for endorsing the Joint Statement.

LRWC advocating for the release of Samar Badawi

Samar Badawi, prominent human rights defender, ex-wife of Waleed Abu al-Khair and sister of Raif Badawi has been targeted for punishment by the Saudi monarchy in reprisal for her human rights advocacy. She was most recently arrested on 28 or 29 July 2018 and remains unlawfully detained. LRWC (Maya Duvage and Gail Davidson) has prepared a [‘working paper’](#) setting out the facts of her advocacy and detention.



Samar Badawi

WGAD reviewing continuation of unlawful detention of Waleed Abu al-Khair since April 2014

The WGAD requested an update on the situation of unlawfully detained lawyer Waleed Abu al-Khair. The WGAD has twice reviewed the detention of Mr. Abu al-Khair and concluded in Opinions released 26 October 2015 and July 2018 that he is unlawfully detained and should be released and compensated. LRWC’s [11 March 2019 update to the WGAD](#) (Gail Davidson) provided answers to questions posed by the WGAD and particulars of Saudi Arabia’s harsh treatment of Mr. Abu al-Khair that violates

international standards on conditions of detention up to November 2017. Contact with Mr. Abu al-Khair has not been possible, which is perhaps a tactic to further pressure him to confess to wrongdoing. For his courageous advocacy, Mr. Abu al-Khair was most recently awarded the 2018 Right Livelihood Award (called the alternate Nobel) jointly with Abdullah al-Hamid and Mohammad Fahad al-Qahtani.



LRWC, L4L, UIA and the Law Society of England and Wales nominate Abu al-Khair for ABA award

Waleed Abu al-Khair, imprisoned since 14 April 2014 for advocating reform of human and democracy rights in Saudi Arabia, has been nominated for the 2019 American Bar Association Human Rights Award by LRWC, Lawyers for Lawyers, Union Internationale des Avocats and the Law Society of England and Wales. These four groups were recently invited to re-submit the nomination submitted in 2017. The 2019 nomination letter (Gail Davidson for

LRWC) and the 2017 supporting documents can be viewed on the [Saudi Arabia page of the LRWC website](#). After 5 years of being subjected to harsh conditions and pressure from the totalitarian monarchy that keeps him arbitrarily imprisoned, Waleed still refuses to renounce human rights advocacy.

LRWC nominates Waleed Abu al-Khair for L4L Human Rights Award

In March 2019 [LRWC nominated \(Gail Davidson\)](#) Waleed Abu al-Khair for the Lawyers for Lawyers Award with references from New York Attorney Daniel Arshack and Tony Fisher, Chair of the Human Rights Committee of the Law Society of England and Wales.

SUDAN

Continued arrest and detention of peaceful protestors and human rights defenders



LRWC welcomes the recent announcement from the Sudanese government of the release of 186 detained protestors. However, hundreds remain in detention and news reports indicate that the National Intelligence and Security Service (NISS) continue to arrest and detain lawyers and human rights defenders in response to ongoing protests. For example, on 28 January 2019, Mr. Salahdeen Adam Alnour was arrested in South Darfur and two days later Mr. Kamal El Jazuli was taken from his office in

Khartoum. On 31 January 2019, a group of several dozen lawyers were also arrested while meeting to coordinate legal aid for those who have been detained. In a letter dated [7 February 2019](#) (Temisan Boyo), LRWC urges Sudan to release all those who have been detained for their participation in peaceful human rights advocacy and protests.

THAILAND

NGOs call for Anti-SLAPP laws to protect human rights defenders

A total of 89 groups including LRWC endorsed a [joint letter sent 14 February 2019](#) against SLAPP suits. The letter was sent in response to a flurry of civil and criminal law suits by a poultry company (Thammakaset Company Limited) against employees and others reporting labour rights abuses. The letter urged Thailand to follow the [recommendation](#) provided by a group of six UN human rights experts in May 2018 to “revise its civil and criminal laws as well as prosecution processes to prevent misuse of defamation legislation by companies.” The letter also urged Thailand to implement recommendations of the UN Working Group on Business and Human Rights to enact anti-SLAPP legislation “to ensure that human rights defenders are not subjected to civil liability for their activities.”



Somchai Neelapaijit

Unresolved enforced disappearance of Somchai Neelapaijit

12 March 2019 marked the 15-year anniversary of the disappearance of Somchai Neelapaijit, who at the time was the Chair of Thailand’s Muslim Lawyers Association and Vice-Chair of the Human Rights Committee of the Lawyers Council of Thailand. Mr. Somchai was abducted 12 March 2004, and murdered by a group of police officers in relation to Mr. Somchai’s involvement in a lawsuit and statements alleging police torture of Muslim detainees in Thailand’s southern border provinces. Due to the fact that Thailand does not recognize enforced disappearances as a criminal offence, and Mr. Somchai’s body has never been recovered, the five officers involved were charged only with robbery and coercion and

later acquitted in December 2015. Despite the fact that the United Nations has recorded 82 forced disappearances in Thailand since 1980, Mr. Somchai's case is the only one to go before a Thai court. Thailand signed the *International Convention for the Protection of All from Enforced Disappearance* in 2012 but has yet to ratify it. LRWC has twice called on Thailand to fulfill its promises to end the serious situation of impunity for enforced disappearances of human rights defenders – [once in 2006](#) after Mr. Somechai's initial disappearance and [again in 2016](#) after the twelve-year anniversary of Mr. Somchai's disappearance and murder.

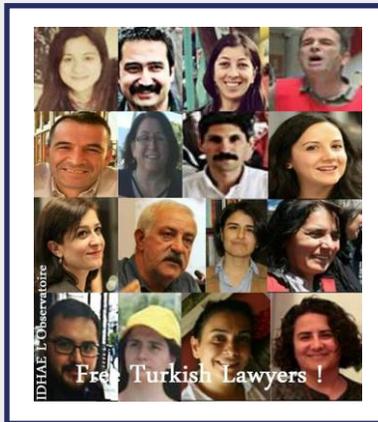
TURKEY

Independent investigators conclude Tahir Elçi killed by police bullet

Internationally known Kurdish human rights and criminal law specialist Tahir Elçi was killed in the city of Diyarbakir in south-east Turkey on 28 November 2015 with a single shot to the head following a press conference where he had again called for an end to violence. To date, no one has been charged with Elçi's murder. In 2016, the Diyarbakir Bar Association asked Forensic Architecture, a UK-based group that specializes in investigating violations of human rights, to independently examine Elçi's death following the stall of the official investigation. The Forensic Architecture investigation analyzed four videos of the incident and has recently concluded based on their 3D modeling that Kurdistan Workers' Party (PKK) militants could not have fired the fatal shot, meaning that Elçi may have been killed by a shot from a police officer's gun during the exchange of fire between security forces and the PKK at the time of the incident. Prior to Elçi's death, LRWC, L4L and Fair Trial Watch sent a [letter](#) (Adrie van de Streek, Gail Davidson, Newal Çiftçi) on 22 October 2015 protesting the arrest and criminal investigation of Elçi. LRWC also wrote a [paper](#) on the Turkish Government's duty to investigate Elçi's murder in August 2016.



Tahir Elçi
Photo: Tahir Elçi's
Twitter



More lawyers arrested, detained and wrongfully prosecuted and convicted

In September 2018, 17 of 20 lawyers criminally charged were acquitted. Hours later the court issued an arrest warrant for 12 of the defendants. After intervention by the Ministry of Justice, the acquittals were reversed, and the Chief Justice and members of the court entering acquittals were dismissed from office and replaced. Lawyers whose acquittals were reversed included Selçuk Kozağaçlı, Aycan Çelik, Aytaç Ünsal, Behiç Aşçı and Ahmet Mandacı. The 12 were then convicted by the replacement court in proceedings that violated international fair trial standards. LRWC (Brian Samuels Q.C.) in a [letter dated 7 February 2019](#) objected to the proceedings and called for the release of the lawyers.

108 more lawyers arrested

LRWC wrote a letter (Brian Samuels Q.C.) [28 March 2019](#) protesting the recent arrest and detention of 108 lawyers in Turkey. According to data compiled by the Arrested Lawyers' Initiative, between 15 July 2016 and 24 January 2019, 555 lawyers were arrested and another 1,546 were under prosecution. LRWC called on Turkey to release the lawyers, guarantee their physical and psychological well-being, comply with the UDHR, ICCPR, and the European Convention on Human Rights, and cease the widespread and systematic targeting of lawyers and other defenders with arbitrary detention, wrongful prosecutions and unfair trials.

UNITED STATES

US Secretary of State threatens retaliation against ICC personnel

On 15 March 2019, United States (US) Secretary of State Mike Pompeo announced [a policy to deny and revoke](#) US visas for any International Criminal Court (ICC) personnel who investigate suspected crimes by US nationals or its allies. This threat was prompted by the 20 November 2017 request of the ICC Office of the Prosecutor (OTP) for authorization (from the Pre-Trial Chamber) to proceed with an investigation of the situation in Afghanistan since 1 July 2002, which is still pending. As a result of a preliminary investigation commenced in 2007, the OTP reported having “a reasonable basis to believe that, at a minimum, the following crimes within the Court’s jurisdiction have occurred:…war crimes of torture, outrages upon personal dignity and rape and other forms of sexual violence, by members of the US armed forces on the territory of Afghanistan and members of the CIA in secret detention facilities both in Afghanistan and on the territory of other States Parties, principally in the 2003- 2004 period.” On 18 March 2019 Canada issued a [brief statement](#) in response to the US action stating that, “Canada firmly supports the rules-based international order and the multilateral institutions that underpin it. We are proud to support the International Criminal Court and the important work that it does. The court is essential to investigating and prosecuting the most serious crimes of international concern. Personnel of the International Criminal Court should not be targeted for the important work that they do.” On 25 March 2019, LRWC (Marjorie Cohn, Gail Davidson and Catherine Morris) sent a [letter to Global Affairs Canada](#) urging “all States...to urgently denounce the US effort to intimidate ICC judges, prosecutors, and staff in attempts to prevent them from impartially and independently performing their duties under the Rome Statute” and asking what actions Canada plans to take. Two submissions to the OTP (one by Professor Craig Scott and one by Christopher Black and Graeme MacQueen) ask the OTP to include Canada in the proposed investigation.



Photo: Human Rights Watch

VIET NAM

UN Human Rights Committee reviews lack of compliance with ICCPR

The UN Human Rights Committee, during its 125th Session on 4-19 March 2019, reviewed Viet Nam’s compliance with its legal obligations under the International Covenant on Civil and Political Rights. [Joint submissions by LRWC and Lawyers for Lawyers](#), (Joshua Lam, Eileen Skinnider, Gail Davidson) were filed 4 February 2019 (updating [submissions filed 1 May 2018](#)), identify Viet Nam’s persistent failure to protect the rights of lawyers to expression, human rights advocacy, liberty and security of the person, freedom from arbitrary detention, due process and fair trials. After the hearing, the Committee Chair [published a preliminary statement](#) urging Viet Nam to continue to address judicial independence, the death penalty, and the allegations of torture in detention. Publication of the Committee’s Concluding Observations and recommendations is expected at the end of March.



Viet Nam human rights defenders. Left to right: Vo An Don, Le Quoc Quan, Nguyen Van Dai

ZIMBABWE

Acts of intimidation against Mr. Okay Machisa, Ms. Beatrice Mtetwa and Pastor Evan Mawarire

On 31 January 2019, LRWC (Amy Reier) sent a letter urging the Government of Zimbabwe to respect rights enshrined in the Zimbabwean Constitution and international treaties as an increasing number of human rights defenders face harassment and intimidation. On 17 January 2019, police forces surrounded the house of Mr. Okay Machisa, the National Director of the Zimbabwe Human Rights Association, and attempted to force him and his family to leave. Pastor Evan Mawarire was arrested 16 January 2019 on charges of “subverting a constitutional government” and it has been recently revealed that the government attempted to deport Ms. Beatrice Mtetwa to her birth country of Swaziland. These incidents are just part of a growing trend of judicial harassment and intimidation against citizens who engage in peaceful protests against the government. LRWC has called on Zimbabwe to stop harassing the above-mentioned individuals and respect the rights of all.



Okay Machisa
Photo: ICJ



Pastor Evan Mawarire
Photo: FIDH

Acts of intimidation against Pastor Evan Mawarire

Global concern continues for Pastor Evan Mawarire, who was recently released on strict bail terms on 16 January 2019 and is facing charges of “subverting a constitutional government”. Pastor Mawarire has endured other acts of intimidation and faced similar charges in 2016 and 2017. He is one of an increasing number of citizens who are facing arrest and prosecution for participating in peaceful protests and exercising their constitutional rights. On 7 February 2019, LRWC (Amy Reier) wrote a letter to the Government of Zimbabwe urging them to cease the judicial harassment and intimidation of Pastor Mawarire.

UN HUMAN RIGHTS COUNCIL PARTICIPATION

40th session of the UN Human Rights Council: A series of “firsts”



The 40th session of the UN Human Rights Council (Council) in Geneva from 25 February to 22 March 2019 featured several notable events. On 7 March, an unprecedented statement of criticism of Saudi Arabia was supported by [36 States](#), including Canada, strongly condemned the killing of journalist Jamal Khashoggi in its Istanbul consulate and called on Saudi Arabia “to take meaningful steps to ensure that all members of the public, including human rights defenders and journalists, can freely and fully exercise their rights to freedoms of expression, opinion and association, including online, without fear of reprisals.” For the first time, on 11 March 2019, two Rohingya refugees from Myanmar spoke in the Council chamber, one in a joint statement sponsored by LRWC and International Service for Human Rights (ISHR) (see below). Another Council precedent was set on 21 March 2019 when the Council passed a [consensus resolution](#) which for the first time called for protection of environmental human rights defenders (see below). LRWC’s participation in the 40th session included oral statements on Myanmar, Iran, Saudi Arabia, China and Sri Lanka and on the need for reform of the Council.

➤ Myanmar: Testimony of Rohingya witness. Seeking justice and redress for atrocity crimes

During the 11 March 2019 Interactive Dialogue (ID) on the report of Ms. Yanghee Lee, the Special Rapporteur on human rights in Myanmar, Ms. Lee reported she had observed no significant progress on human rights concerns raised in her previous reports. LRWC worked with ISHR to facilitate a joint oral [statement](#) during the ID on 11 March 2019. The statement consisted of first-person testimony of



Ms. Hamida Khatun

Rohingya refugee and peace advocate, Ms. Hamida Khatun, who fled Myanmar's Rakhine State for Bangladesh in August 2017 after her village was attacked and her husband, mother and community members were killed by Myanmar military. Ms. Khatun is a member of Shanti Mohila (Peace Women), a group of Rohingya women who escaped Myanmar's violence and have organized to raise their voices to seek justice including compensation, to return to Myanmar in safety, and security including citizenship. Ms. Khatun was present for the reading of her statement by ISHR's Salma El Hosseiny. Her statement was featured by the [UN News service](#) and [Aljazeera](#). On 22 March, the Council adopted a [resolution](#), which among other serious concerns, urged Myanmar to "cooperate fully with and to grant full, unrestricted

and unmonitored access to all United Nations mandate holders and human rights mechanisms, including the Special Rapporteur, the independent international fact-finding mission, the ongoing independent mechanism once operational..." Of the 47 members of the Council, seven countries abstained, and three voted against it: China, Cuba and the Philippines.

➤ **Iran: Seeking release of human rights lawyer Ms. Nasrin Sotoudeh from arbitrary detention**

On 11 March 2019, the Special Rapporteur on the situation of human rights in Iran, Mr. Javaid Rehman, expressed concern about the "intimidation, arrest, prosecution and ill-treatment of human rights defenders, lawyers, and labour rights activists." His report singled out human rights lawyer Ms. Nasrin Sotoudeh, expressing concern that she "could face a lengthy prison sentence." During the ensuing ID, LRWC presented two oral statements concerning Iran. One [statement](#), drafted by LRWC member Tina Parbhakar and read by the International Bar Association Human Rights Institute's (IBAIHR) Ms. Hélène Ramos dos Santos, sought a halt of Iran's attacks on human rights lawyers and defenders including lawyer Ms. Nasrin Sotoudeh. A [second statement](#) on 12 March 2019, read by Hélène Ramos dos Santos, focused on the unlawful sentencing of Ms. Sotoudeh to 38 years of imprisonment and 148 lashes. The news of Ms. Sotoudeh's situation was developing at that time, and LRWC followed up with a [letter](#) sent to the Iranian government and copied to UN officials on 13 March 2019 urging that all sentences against Ms. Sodouteh be quashed and that she be immediately released from prison along with all other arbitrarily detained human rights defenders.

➤ **China and Saudi Arabia: Systematic arbitrary detention of human rights lawyers and defenders**

LRWC delivered an oral [statement](#) on 13 March 2019 expressing continuing concern about systematic, widespread, and grave violations against lawyers and other human rights defenders by members of the Council, including China and Saudi Arabia, which routinely abuse criminal law powers to suppress peaceful expression and target lawyers and defenders with arbitrary detention in reprisal for lawful advocacy and dissent. LRWC called on the Council to require Council members to halt and remedy arbitrary detentions, LRWC also urged reforms of the Human Rights Council to ensure that all States elected to Council uphold the "highest standards in the promotion and protection of human rights" and "fully cooperate with the Council" as required by General Assembly Resolution 60/251 and to suspend members for significant non-compliance. The statement was read on behalf of LRWC by Lawyers for Lawyers (L4L) Executive Director, Ms. Judith van den Lichtenberg.

➤ **Saudi Arabia UPR Outcome: Duty to release unlawfully detained defenders**

On 14 March 2019, LRWC co-sponsored [ISHR's statement on Saudi Arabia](#) during the outcome review of Saudi Arabia's Universal Periodic Review. The statement sought immediate and unconditional release of numerous women human rights defenders: Loujain al-Hathloul, Aziza al-Yousef, Eman al-Nafjan, Nouf Abdelaziz, Hatoon al-Fassi, Samar Badawi, Nassima al-Sadah, Mohammed Al-Bajadi, Amal Al-Harbi, and Shadan al-Anez, and all others arbitrarily detained for exercising fundamental freedoms.

➤ **China UPR Outcome**

On 15 March 2019, LRWC co-sponsored [ISHR's statement](#) delivered during the outcome review of China's Universal Periodic Review. The statement was delivered by ISHR's Sarah Brooks in honour of human rights defender Cao Shunli to commemorate the fourth anniversary of her death in custody in China. The statement pointed out examples of China's persistent lack of cooperative engagement with the UN human rights system. The speakers' list during the outcome review appeared to have been significantly orchestrated by China. Of the 13 statements by other countries, 11 were entirely congratulatory to China in content and tone. Of the 10 speaking slots allotted to NGOs, organizations obviously aligned with the Chinese government captured 6 speaking slots in order to praise China. Among the four NGOs able to gain speaking slots to express concerns about China's serious and systematic human rights violations were ISHR (joined by LRWC), Helsinki Foundation for Human Rights, and the International Federation for Human Rights Leagues (FIDH), and Human Rights Watch.



➤ **Sri Lanka: Accountability for Atrocity Crimes**

LRWC volunteer, Canadian lawyer Ms. Dharsha Jegatheeswaran drafted and read LRWC's 20 March 2019 [statement on Sri Lanka](#) seeking international involvement in judicial accountability for atrocity crimes in Sri Lanka, pointing out the inability of Sri Lanka's domestic legal system to hold perpetrators to account because of "politicization of the Attorney General's department, a judiciary that is



deferential to the military, and lack of protections for witnesses." The Council passed a consensus resolution extending Resolution 30/1 of 2015 for a period of two years, in which Sri Lanka is directed to report in writing about progress made implementing Res 30/1 at the 43rd session and Council will discuss the issue at the 46th session. Sri Lanka had at first opposed the March resolution but in the end consented to be among the 31 co-sponsors of the resolution.

Resolution on protection of environmental human rights defenders

In response to the increasing violations against environmental defenders, the UN Human Rights Council adopted a strong consensus [resolution](#) (A/HRC/40/L.22/Rev.1) recognizing the critical role of environmental human rights defenders in protecting a bio-diverse and healthy environment, protecting human rights, and peace and security. This is the first time the HRC has explicitly called for the protection of environmental human rights defenders and provides a starting point for implementation of the goals of the resolution at the national level.

LRWC volunteers engaged in the 40th session of the Human Rights Council

Volunteers engaged in preparation for the 40th session of the HRC included Catherine Morris, Gail Davidson, Vani Selvarajah, Tina Parbhakar, and Dharsha Jegatheeswaran. LRWC particularly appreciates the assistance of Hélène Ramos dos Santos of the IBAIHR, Judith van den Lichtenberg of Lawyers for Lawyers, and ISHR's Salma El Hosseiny and Sarah Brooks.

RESEARCH and PUBLICATIONS

LRWC produces legal research on international human rights laws and standards to inform and equip LRWC volunteers and other defenders and to inform authorities in charge of monitoring, implementing and enforcing internationally protected rights. The research, done by LRWC volunteers, is critically important to effective advocacy and forms parts of reports, statements and other communications. Some research is in the form of ‘working papers’ that are edited as changing jurisprudence and standards demand and LRWC resources allow. LRWC has many research projects in addition to the two major initiatives identified below and welcomes researchers.

New Publications

- [*Prisoners’ Right to Medical Treatment: International Law Provisions*](#), Grace Cheung, updated by Temisan Boyo Fanou, 19 March 2019.
- *The Right to Counsel: A Guide to International Law Rights to Legal Assistance and Representation*, Luiza Teixeira, February 2019.

Research in progress

- When Arbitrary Detention of Human Rights Defenders is a Crime Against Humanity: Draft working paper for review and feedback, February 2019, Sebastian Ennis.
- The Criminalization of Human Rights Defenders: A guide to international law rights of defenders, Lois Leslie

WORKING PRO BONO during February and March 2019

Clive Ansley, Marjorie Cohn, Gail Davidson, Maya Duvage, Sebastian Ennis, Temisan Boyo Fanou, Tamara Friedman, Dharsha Jegatheeswaran, Joshua Lam, Rob Lapper Q.C., Lois Leslie, Catherine Morris, Felix Nkongho Agbor, Tina Parbhakar, Isabela Piacentini de Andrade, Brian Samuels Q.C., Vani Selvarajah, Eileen Skinnider, Luiza Teixeira and Amy Reier.

LRWC WORKING IN COOPERATION WITH OTHER NGOs

LRWC is mandated to “work with other human rights organizations to achieve [LRWC] purposes.” During February and March, LRWC worked in cooperation with almost 200 organizations from around the world on a variety of rights issues: civil and political, environmental, labour, and freedom from war. Cooperative initiatives included: joint letters and statements; a report to the UN Human Rights Committee; an award nomination; WGAD submissions; oral presentations to the UN Human Rights Council; country monitoring and draft reports for the UN Human Rights Committee and the Universal Periodic Review process.

We welcome feedback on Newsletter content, format, and delivery.

Mail Newsletter subscriptions are also available.

Please contact us if you would like to join LRWC and donate your time.

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.

Airline points donated to LRWC qualify as a tax-deductible donation!

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