

## LRWC NEWSLETTER

January 2015 Edition

### LRWC ACTION NEWS

#### BAHRAIN

**Nabeel Rajab sentenced to six months in prison and free pending appeal.**

LRWC was one of 58 NGOs that endorsed a [letter](#) to European authorities urging them to call on Bahrain to drop all charges against Nabeel Rajab, end reprisals and judicial harassment of human rights defenders and repeal laws that criminalize the peaceful exercise of protected rights. Nabeel Rajab, a prominent human rights advocate in Bahrain, is President of the Bahrain Centre for Human Rights (BCHR) and Director of the Gulf Centre for Human Rights (GCHR). In reprisal for his human rights work, he has been subjected to politically motivated prosecutions, wrongful convictions and arbitrary detention. In August 2012,



Nabeel Rajab

Mr. Rajab was sentenced to three years in prison for participating in three peaceful assemblies promoting democracy and recognition of internationally protected rights. Although the UN Working Group on Arbitrary Detention subsequently determined his detention as arbitrary, he was not released until June 2014. On 20 January 2015 the Third Lower Criminal Court sentenced him to six months of imprisonment on charges under Article 216 of the Bahraini Penal Code of “insulting public institutions and the army” via Twitter. The sentence was suspended pending appeal. LRWC has penned or joined several communications on Mr. Rajab’s behalf, including letters on [2 November 2012](#), [14 June 2013](#), [28 May 2013](#), and in relation to the charges now under appeal, on [10 October 2014](#).

#### CANADA

**The OAS releases scathing report on missing and murdered women in BC.**

Organization of American States Inter-American Commission on Human Rights (IACHR) released their report, *Missing and Murdered Indigenous Women in British Columbia Canada*. In this 127-page report, the IACHR concludes that First Nations females in Canada continue to suffer discrimination as a result of historical and current practices that prevent the equal enjoyment of rights. The IACHR identified the

need for BC and Canada to fully address the underlying factors preventing the full enjoyment of rights and stated,

This in turn entails addressing the persistence of longstanding social and economic marginalization through effective measures to combat poverty, improve education and employment, guarantee adequate housing and address the disproportionate application of criminal law against indigenous people. These measures must incorporate the provision of information and assistance to ensure that indigenous women have effective access to legal remedies in relation to custody matters. Specifically regarding Prince George, the IACHR urges the Canadian State to immediately provide a safe public transport option along Highway 16.306

Other recommendations included: full compliance with Oppal report recommendations; mandatory training for police, judges and other public sector workers dealing with the issue; guaranteed legal aid for family members and affected people; and creation of a national-level action plan or a nation-wide inquiry in missing and murdered women and girls. LRWC communications highlighting discrimination against First Nations women includes: [International Right to Legal Aid in Relation to the British Columbia Missing Women Commission of Inquiry](#) for the UN Committee on the Elimination of Discrimination against Women (CEDAW); oral intervention to the 23rd Session of the UN Human Rights Council on [The Right to Legal Aid in Canada](#); [Report on the Implementation of CERD and CAT recommendations](#) regarding murders and disappearances of Aboriginal women and girls; oral intervention to the 21st Session of the Human Rights Council on [Access to Justice for Indigenous Women and Girls](#); [Report on Missing Women and Murdered Women in BC and Canada](#) to the UN Committee to End Racial Discrimination.

#### **Omar Khadr requires medical treatment**



In response to information that Omar Khadr, already blind in his left eye, may be at risk of losing the sight in his right eye from conditions that could be treated, LRWC wrote [a letter](#) to prison and federal authorities. LRWC's letter advised of Canada's international law duty to ensure competent and timely medical treatment and requested that Omar Khadr immediately receive the care and treatment necessary to preserve and prevent further harm to the sight in his right eye. Omar Khadr has since been seen by a specialist who is going to operate.

#### **TWU sues in BC, receives favourable judgment in Nova Scotia.**

*Trinity Western University and Brayden Volkenant v the Law Society of British Columbia* was filed in BC Supreme Court on 18 December 2014. The claim seeks, *inter alia* declarations that the 31 October 2014 decision of the LSBC that the law school proposed by TWU was not an approved faculty of law was *ultra vires* and contrary to the *Charter*, s 2(a), (b) and (d) and s. 15(1) and a mandamus requiring the LSBC to recognize the TWU law school.

In [Trinity Western University v. the Nova Scotia Barristers' Society](#), the Nova Scotia Supreme Court ruled on 28 January 2015 that the NSBC did not have "the power to require universities or law schools to change their policies. Its jurisdiction does not reach that far." (para. 4) Campbell J. stated at para. 251, "I accept the evidence that TWU's Community Covenant does indeed treat LGBT people in a way that would have profoundly negative effects of their lives. For many or most LGBT people the experience of attending

such a place would be traumatic and potentially damaging.” (para. 251). He then went on to observe that while the action of the NSBS did not prevent discrimination against LGBT people, it would diminish religious freedom:

The action by the NSBS does nothing to prevent a single person in Nova Scotia from being the subject of any discriminatory action in relation to the legal profession.... The impact on the religious expression would be to require it to be undertaken in a way that significantly diminishes its value. (para. 269)

LRWC made submissions to the [LSBC](#) and to the [LSUC](#) opposing accreditation of TWU on the basis of discriminatory admission and discipline policy.

## COLOMBIA

[COLOMBIA: THE SEARCH FOR REAL JUSTICE CONTINUES: Preliminary report of the IV International Caravan of Jurists to Colombia](#)

is now available. This interim report provides a brief summary of the investigations done by delegates and demonstrates the dire need for LRWC and others to continue to provide support to human rights defenders in Colombia. In August 2014, delegates from 12 countries visited eight cities in seven departments of Colombia to meet with lawyers, judges, human rights defenders, victims of human rights violations and state officials. Four LRWC delegates—one judge, one lawyer and two law students—participated in the Caravana’s investigations. The interim report confirms that Colombia remains one of the most dangerous places in the world to be a human rights advocate. The final report will be launched in the U.K. this spring. LRWC hopes to host a launch in Canada.

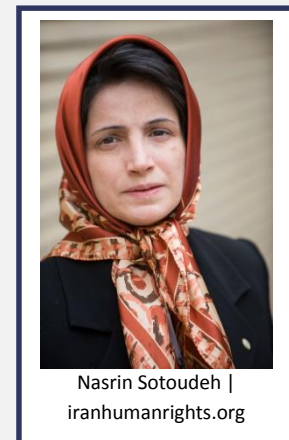


[colombiancaravana.org.uk](http://colombiancaravana.org.uk)

## IRAN

### Human rights lawyer Nasrin Sotoudeh arrested again

Well-known human rights lawyer and recipient of the 2012 Sakharov Prize of the European Parliament Nasrin Sotoudeh was again arrested on 10 December 2014. Nasrin Sotoudeh has been subjected to reprisals for her legal work for a number of years. Arrested in 2010, she was sentenced in 2011 to eleven years of imprisonment for acting against national security and for “propaganda against the regime.” An appeals court reduced the sentence to six years and she was released early in September 2013. Since her release she has been arrested three times and her licence to practice law has been suspended. LRWC [joined a letter](#) by Lawyers for Lawyers calling for reinstatement of her licence to practise law and a cessation of harassment and arrests.



Nasrin Sotoudeh | [iranhumanrights.org](http://iranhumanrights.org)

## MALAYSIA

### Lawyer and Executive Director of human rights group arrested under *Sedition Act*.

On 12 January 2015 Eric Paulsen, lawyer and Executive Director of Lawyers for Liberty, was arrested *in relation to allegations that he had contravened the Sedition Act 1948 by authoring a tweet* accusing the Malaysian

Islamic Development Department (JAKIM) of promoting extremism in their Friday sermons. LRWC views Mr. Paulsen's arrest to be the latest in a series of prosecutions using the broad language of the *Sedition Act 1948* to criminalize lawful speech and legitimate democratic dissent. [LRWC's letter](#) called on the Attorney General and others authorities to, *inter alia*, repeal the *Sedition Act 1948* and make such other statutory amendments and policy changes as are necessary to bring Malaysia's domestic legislation and procedures into conformity with Malaysia's international obligations and commitments to ensure and prevent violations of freedoms of expression, peaceful assembly, association, to participate in public affairs and fair trial rights.



Eric Paulsen | rakyattimes.com

## PAKISTAN



Shahbaz Gormani | sentrymedicalgroup.org

### **Defense lawyer threatened with death after first lawyer murdered.**

On 3 December 2014 several gunmen on motorcycles attacked the Multan residence of Mr. Shahbaz Gormani, a lawyer defending a university lecturer against blasphemy charges. Mr. Gormani stepped in as defence counsel for Professor Junaid Hafeez after his previous lawyer, prominent human rights lawyer [Rashid Rehman](#), was shot dead by gunmen on 7 May 2014. Professor Hafeez, from Bahauddin Zakariya University, is accused of making derogatory

statements against the Prophet Mohammed in March 2013. The gunmen fired indiscriminately at Mr. Gormani's residence and warned him of further consequences. He was warned that his actions were being monitored and his continued representation of Professor Hafeez would bring further violence. [LRWC's letter](#) calls on Pakistan authorities to provide effective protection for Mr. Gormani and to ensure that the perpetrators of the death threats and shooting are identified through effective investigations and prosecutions.

## PHILIPPINES

### **The Day of the Endangered Lawyer honours lawyers in the Philippines.**

The fifth annual Day of the Endangered Lawyer, held on 23 January 2015 was dedicated to lawyers in the Philippines this year. The annual day, originally sponsored by the European Association of Lawyers for Democracy & World Human Rights (ELDHR), draws international attention to lawyers under threat of death, arbitrary detention and other harm. Lawyers in 11 countries in Europe including the U.K., Netherlands, Italy, Germany and France marked the day with demonstrations outside Philippine embassies. LRWC joined with twelve other NGOs to circulate a [petition](#) highlighting the grave situation of lawyers in the Philippines where murders (39 since 2004) and other attacks most often are not properly investigated and do not result in prosecutions, punishment or protective measures. [A report by ELDHR](#) and other groups sets out, in more detail, the danger currently faced by lawyers in the Philippines.

## SAUDI ARABIA

### **Prominent human rights lawyer Waleed Abu al-Khair sentenced to 15 years in jail.**

Waleed Abu al-Khair is an internationally respected human rights lawyer who has acted for many victims



of human rights abuses by state officials including Raif Badawi, recently sentenced to 10 years in prison and 1,000 lashes. Mr. Abu Al-Khair was convicted in July 2014 before the Specialized Criminal Court of charges that he “insulted the legitimacy of the country’s judicial system,” “harmed the reputation of the state by communicating with international organizations” and “incited public opinion”. He was sentenced to 15 years in prison and fined 200,000 [riyals](#) (\$65,689 CDN). LRWC sent a letter calling on the Government of Saudi Arabia to vacate the convictions and release Mr. Abu al-Khair. [LRWC’s letter](#) noted that the charges were so vague and overbroad as to make both avoidance and defense impossible and that denial of rights—including rights to fair trial, pre-trial release, access to counsel and an independent tribunal—rendered the conviction illegitimate and his detention arbitrary.



## SUDAN

### **Two prominent human rights lawyers arrested and held incommunicado.**

Dr. Farouk Abu Issa and Dr. Amin Maki Madani were arrested on 6 December without charge and held incommunicado. Dr. Farouk Abu Issa is leader of the opposition alliance National Consensus Forces and former secretary-general of the Arab Lawyers Union; Dr. Amin Maki Madani is well known as a lawyer and human rights specialist. The arrests were made by the National Intelligence and Security Services shortly after the two internationally known human rights advocates had signed the Sudan Call, a document that confirms support for the peaceful settlement of armed conflicts in the country and the national dialogue process. Both Dr. Issa and Dr. Madani are elderly and in poor health. LRWC, by [letter](#) dated 16 December 2014, called for their immediate release. Follow-up research in January indicated that the two men had been allowed to see their lawyers and family albeit under National Security Service supervision and afforded medical attention. Although a report indicated that the President cleared both men for release on 22 January, LRWC has not received confirmation that the lawyers have been released.



Farouk Abu Issa | [haus.a.rfi.fr](http://haus.a.rfi.fr)

### **Lawyers protesting arrests are assaulted and arrested.**

Lawyers gathering on 22 December 2014 to oppose the arrests of Dr. Farouk Abu Issa and Dr. Amin Maki Madani were assaulted and arrested by police. LRWC sent a [letter](#) on 5 January 2015 calling for investigation and remediation of the abuses and pointing out the duty to ensure that police and other public employees receive adequate training and education about Sudan’s international human rights law obligations towards lawyers and other people.

## THAILAND

### **Australian government should ensure rights protection in Thailand for Australian journalist and human rights defender**

LRWC wrote a [letter](#) urging the Australian Government to intervene to ensure rights protection in

Thailand for Australian journalist and human rights defender Alan Morison. The Royal Thai Navy laid criminal defamation and *Computer Crimes Act* charges against Alan Morison and Ms. Chutima Sidasathian, both award winning journalists, in the response to publication of a newspaper article entitled, *Thai Military Profiting from Trade and Boat people, Says Special [Reuters] Report*. Both journalists have written extensively about human trafficking and slavery in relation to the Rohingya people from Burma. LRWC's letter outlined concerns that orders promulgated by the military dictatorship essentially removed all likelihood of the parties receiving a fair trial. The military dictatorship (NCPO) has imposed orders and laws that subordinate rights and put legislative, executive and judicial branches of government under the NCPO control. LRWC called on Australia to ensure protection of rights to due process and fair trial. Mr. Morison's passport has since been temporarily returned. The Government of Australia has stated their intention to monitor the proceedings.

## UN HUMAN RIGHTS COUNCIL

The [Draft report of the UN Human Rights Council's 27<sup>th</sup> Session](#) is now available.

The Human Rights Council (HRC) adopted a resolution that recognizes the important role played by NGOs and other members of civil society to promote human rights and the rule of law. The resolution (The [Civil Society Space](#) 23 Sept. 2014, A/HRC/27/L.24) cautions states against restricting the activities of civil society ostensibly to serve the needs of security and counter-terrorism and calls on states to ensure that provisions on funding to civil society are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the right and ability to solicit, receive and utilize resources for its work.

LRWC's May 2014 report to the HRC, [Shrinking Space for Dissent in Canada](#) had raised many of the issues addressed in the resolution. The OHCHR has recently published [A Practical Guide for Civil Society: Civil Society Space and the United Nations Human Rights System](#).

## EDUCATION EVENTS

### Canada on trial for discrimination against children.

Don't miss [the video of Dr. Cindy Blackstock's](#) inspiring and informative talk, [Justice for Children: a landmark case to end discrimination by Canada against First Nations children on reserves](#).

Dr. Blackstock's talk to an overflow audience of 200 at the Vancouver Public Library on 15 January 2015 was informative and inspiring. She reviewed some of the shocking facts of continuing discrimination that gave rise to the *First Nations Child and Family and Family Caring Society & the Assembly of First Nations v. Canada* (FNCFCS & ASN v. Canada) complaint before the Canadian Human Rights Tribunal and the 6-year course of the legal proceedings. Dr. Blackstock explained that the complaint is inspired by the belief that First Nations children are entitled to full equality now. She stated that while Canada ranks 11<sup>th</sup> in the world in terms of wealth, it ranks 60<sup>th</sup> in terms of respect for children's rights. Historically First Nations people living on reserves were denied protection under the *Canadian Human Rights Act* with



Cindy Blackstock

respect to any rights or status governed by the *Indian Act*. After decades of criticism, the impugned section of the *CHRA* was finally repealed in June 2008. The *FNCFCs & ASN v. Canada* complaint alleges that Canada provides less funding for family and child services, including education, on reserves than provided by governments for children living off reserves. Canada vigorously resisted every aspect of the hearing of the complaint, apparently even conducting surveillance of Dr. Blackstock. In October 2012 the complaint was amended to include a charge of retaliation against Dr. Blackstock. The Tribunal finally heard 25 witnesses and received over 500 documents in evidence. A decision is expected by April 2015. Dr. Blackstock ended with a “shout-out” for the FNCFCs’s lawyers, all of whom are acting pro bono.

Webcasts the extraordinary event are available on the LRWC website. See [Justice for Children on video!](#)

An audio of her talk will be featured on Co-op Radio’s [Redeye](#) on Saturday 7 February 2015 between 11:00 and 1:00 pm/pst at FM 100.5

[Persecution of Lawyers and Journalists in Turkey](#), 27 January 2015 in Geneva. Speakers were: from Turkey, lawyer Ayse Bingol and journalist Tayfun Ertan; from the Netherlands, Member of the European Parliament Marietje Schaake. The event was organized by Lawyers for Lawyers and co-sponsored by Privacy International, Media Legal Defence Initiatives, Fair Trial Watch, the Law Society of England and Wales and LRWC. CIVICUS joined their event with this one bringing additional speakers

The event coincided with the [2<sup>nd</sup> Universal Periodic Review of Turkey](#) and highlighted Turkey’s continuing prosecution and imprisonment of lawyers and journalists for peacefully exercising protected rights in the course of discharging professional duties. At the [1<sup>st</sup> UPR of Turkey in 2010](#) many states called on Turkey to abolish laws that criminalize freedom of expression and end prosecutions and other actions that violate Turkey’s legal obligations to ensure and protect freedom of expression. The [joint submissions made on the 2<sup>nd</sup> UPR of Turkey](#) by Fair Trial Watch, the Law Society of England and Wales Lawyers for Lawyers and LRWC identify dozens of lawyers subjected to wrongful criminal proceedings and arbitrary detentions for peacefully exercising freedom of expression in the course of representing clients.

## LRWC MEMBERS CONTRIBUTING PRO BONO IN DECEMBER & JANUARY

**Thank you to LRWC members and volunteers working *pro-bono* during December 2014 and January 2015** on letters, research, writing, education, investigations and advocacy: Lisa Barrett, Kathleen Copps, Gail Davidson, Leah George-Wilson, Joe Hoffer, William Liaw, Gavin Magrath, Carolyn McCool, Catherine Morris, Heather Neun, Randy Robinson, Hilary Song, Isabel Stramwasser, Grace Woo and Samina Ullah.

## MAKE A DONATION TO CONTINUE LRWC’S WORK

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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