

LRWC NEWSLETTER

December 2016 – January 2017 Edition

LRWC ACTION NEWS AND UPDATES

BAHRAIN

Ghada Jamsheer freed from prison

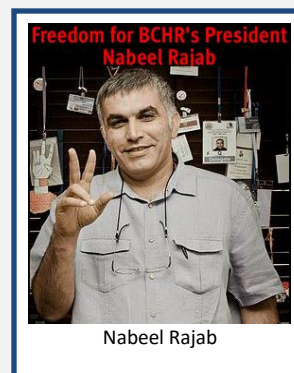


Ghada Jamsheer

Ghada Jamsheer was released on 12 December after four months in prison, after agreeing to work in a government appointed position for the rest of her sentence. Since 15 August 2016 prominent women's right defender Jamsheer had been arbitrarily imprisoned in Isa Town Women's Prison serving a combined ten-month sentence for tweets exposing possible corruption by members of the ruling family in the management of King Hamad Hospital. On 16 November more than 20 international NGOs endorsed [a letter](#) calling for her release and reversal of the conviction. Ghada sent her thanks to all those who signed the joint letter, petitioned and campaigned for her release.

Nabeel Rajab released, re-arrested and trial postponed again

Prominent human rights activist Nabeel Rajab was released and rearrested hours later on 28 December. Rajab, President of the Bahrain Centre for Human Rights and founding Director of the Gulf Centre for Human Rights, has been in custody since 13 June 2016 waiting trial for tweets about war crimes by Saudi Arabia in Yemen and the use of torture in Jau prison. On 28 December, after the fifth postponement, the prosecutor ordered his pre-trial release. Just hours later Rajab was re-arrested and on 5 January the prosecutor extended his detention by 15 days for investigation of new accusations based on publication in Le Monde on 19 December of a letter quoting from 2014 interview with Rajab. He faces a possible 15 years in prison for the tweet-based accusations. The trial has been postponed to 21 February 2017. LRWC communications on behalf of Nabeel Rajab can be accessed [here](#).



Nabeel Rajab

CANADA

Canada continues discrimination against children on reserves in contravention of orders



Dr. Cindy Blackstock

First Nations Child and Family Caring Society of Canada and Assembly of First Nations v. Canada. The Canadian Human Rights Tribunal (CHRT), following years of costly litigation, concluded that the federal government violated the *Human Rights Act* by providing inequitable and insufficient funding for child and family services on reserves. Canada has not yet provided the increased funding required by the CHRT ruling in spite of further orders made in April and Parliament's motion (approved 1 November) calling for an immediate injection of \$155 million for child welfare services on reserves. The Society has now asked the CHRT to register its orders in Federal Court so the Society can seek contempt orders against Canada. See the [Society's update](#) for details of the extraordinary steps by Canada to block a speedy hearing and avoid a just result. For her work on the case, Dr. Cindy Blackstock, founder

and Executive Director of the Society has been selected, with Waleed Abu al-Khair of Saudi Arabia, as a recipient of the Law Society of Upper Canada 2016 Human Rights Award. LRWC, Amnesty/Canada and the Hul'qumi'num Treaty Group hosted lectures by Dr. Blackstock about this case on [24 April 2012](#) (Remember the Children) and [15 January 2015](#) (Justice for Children). Videos and podcasts of the two excellent lectures are available.

COLOMBIA

Murders and assaults on human rights defenders on the rise

Killings of and attacks against human rights defender, lawyers and social leaders are rising with one group reporting 314 attacks, 232 threats, 21 assaults and 70 murders between January and November 2016. On 15 September William García Cartagena, a lawyer who had been representing miners was shot to death in a café in Medellín. LRWC, the U.K. Caravana and the Fundación Abogacía Española [are calling on](#) Colombia for: adequate protection measures; full and impartial investigations; implementation of Point 3.4 of the Peace Agreement; and, a component for verifying human rights in the implementation of the Peace Agreements, led by the Office of the United Nations High Commissioner for Human Rights in Colombia (OHCHR).



William García Cartagena

GUATEMALA

BCCA allows suit in BC against Tahoe for injuries suffered by victims in Guatemala



Guatemalan Plaintiffs and
Canadian Lawyers

Garcia v Tahoe Resources Inc. In a precedent setting decision on 26 January 2017, the BC Court of Appeal overturned a BC Supreme Court ruling that Guatemala was the appropriate forum to determine the plaintiffs' claims. The six plaintiffs seek damages from Tahoe for injuries suffered when they were shot during a protest outside the gates to Escobal mine in Guatemala. It is alleged that Tahoe (the parent company of Escobal's Guatemalan owner) "expressly or implicitly authorized the use of excessive force...or was negligent in failing to prevent...security personnel from

using excessive force”. The BCCA concluded there was, “some measurable risk that the appellants will encounter difficulty in receiving a fair trial against a powerful international company whose mining interests in Guatemala align with the political interests of the Guatemalan state.” See [LRWC’s letter](#) in response to the 12 November 2016 assassination of Jeremy Barrios, assistant to the Executive Director of CALAS, one of the groups supporting the BC plaintiffs. Prior to his murder Jeremy Barrios was managing sensitive information in cases brought before courts by CALAS.

KENYA

Lawyer emerges from protective hiding and is beaten

Kenyan lawyer Simon Lilan had not been seen since 9 January 2017 when LRWC sent [a letter 17 January](#) calling for quick action to locate and ensure his safe return. Immediately prior to his disappearance he was trying to prevent the burial of the late politician Mark Too, who Mr. Lilan alleges was assassinated and had told the media that he had sought protection from the police because, “powerful people want to finish me following my stand on the death of Mr. Too.” Kenya’s National Commission on Human Rights has identified 25 extra-judicial killings between 2013 and 2015 and non-governmental watchdog Independent Medico-Legal Unit says the police killed 97 people in 2015 alone. On 20 January Mr. Lilan surfaced and in a televised interview, said he had gone into hiding, seeking asylum with embassies and civil rights organizations, when he realized his life was in danger and he was without protection. On 28 January, Mr. Lilan sustained head and chest injuries when beaten by six guards as he tried to enter his office building. [LRWC responded with a letter on 31 January](#) calling for protection for Mr. Lilan and an inquiry to address and remedy enforced disappearances and extra-judicial killings.



Simon Lilan

PAKISTAN



Bilal Anwar Kasi

Ensure effective investigation of mass murders of over 74 people in Quetta

The mass murders of more than 74 people, most of whom were lawyers, in Quetta Balochistan on 8 August 2016 remain unresolved. In response to learning that investigations of the bombing deaths were incomplete, mired in controversy with conflicting reports and no suspects had been charged, LRWC sent [a letter](#) on 9 December recommending that Pakistan seek help from the UN to ensure effective investigations that comply with international law obligations and standards. Although the Supreme Court has ordered the creation of a Special Inquiry Commission, the investigation remains stalled. The Balochistan government has submitted a series of objections to the Supreme Court. The

Supreme Court has criticized the federal interior minister and the Balochistan chief and home ministers for providing misleading information and questioned why the investigation is being handled through irregular channels, namely without the personal involvement of Attorney General. The court has given the Attorney General until 6 February to respond.

Five human rights defenders abducted and disappeared

Between 4 and 7 January 2017 five prominent human rights defenders and bloggers were abducted and disappeared from Islamabad, Lahore and Punjab. Prior to their enforced disappearances, Salman Haider, Waqas Goray, Aasim Saeed, Ahmed Naseer and Samar Abbas had all been engaged in a variety of human

rights activities including exposing suspected human rights abuses by the Pakistan military and others. Dr. Salman Haider is described as “the voice of the voiceless, the armour of the defenceless.” Sources claim that two vehicles involved in the kidnapping of Dr. Haider have been identified and that efforts have been made to track signals from his cell phone. LRWC sent a [letter](#) (18 January/17) calling for immediate action to locate and safely return each of the men.



Clockwise from left: Waqas Goray, Salman Haider, and Aasim Saeed

SAUDI ARABIA

Release Waleed Abu al-Khair to receive human rights award in Toronto

LRWC is calling on Saudi Arabia (by [letter on 20 December](#)) to release and enable human rights lawyer Waleed Abu al-Khair to come to Toronto to accept the Law Society of Upper Canada 2016 Human Rights Award on 22 February. LRWC has asked the Canadian Minister of Foreign Affairs (by [letter on 20 December](#)), the UN High Commissioner of Human Rights and UN Special Rapporteurs ([by letter on 17 January](#)) to use their influence to pressure Saudi Arabia to comply with the law and release Abu al-Khair. Imprisoned since 14 April 2014, Waleed Abu al-Khair is serving 15 years for exercising internationally protected rights. He was convicted and sentenced for, inter alia, registering in Ontario the Monitor of Human Rights and monitoring human rights in Saudi Arabia. Other activities characterized as criminal included peacefully calling for a constitutional monarchy, an elected president, judicial independence and women’s rights. Saudi Arabia must uphold its international human rights obligations as a member of the UN and the Human Rights Council. DFAIT has not responded to LRWC’s requests.



Waleed Abu al-Khair

Sudan nationals held incommunicado and at risk of torture

Waleed Imam (Al-Waleed Imam Hassan Taha) and Algasim Mohamed Sidahmed (Al-Qasem Mohammad Sayyed Ahmad), Sudan nationals working in Saudi Arabia were arrested by Saudi authorities on 20 December 2016, are being held incommunicado in a secret location and are at risk of torture. The men were arrested for engaging in human rights advocacy and expressing opinions about options for peace in Sudan. Founding members of the Sudan-based Abna’ Al-Sahafa (Citizen of Al-Sahafa), which provides basic services to needy people in Sudan, they continued to work with the NGO while in Saudi Arabia. Mr. Algasim Mohamed Sidahmed managed a *Facebook* page with 80,000+ members calling for peaceful political transformation in Sudan. Sudanese National Intelligence and Security Service have reportedly come to Saudi Arabia to interrogate the men. LRWC sent a [letter 18 January](#) 2017 calling for their immediate release.



Waleed Imam and Algasim Mohamed

SUDAN

Charges against three TRACKS' workers dropped: three remain in custody



Khalafalla Al-Afif Mukhtar

The judicial harassment of human rights defenders working at the Centre for Training and Human Development in Sudan (TRACKS) continues. On 19 January 2017, the Khartoum Central Criminal Court dropped charges against three TRACKS workers: Al Hassan Kheiry (computer technician), Ms. Arwa Elrabie (Administration Manager), and Ms. Imany-Leyla Raye (student). Khalafalla Al-Afif Mukhtar, (Director), Midhat A. Hamdan, (trainer) and Mustafa Adam, Director of Zarqa Organisation for Rural Development who had delivered training for TRACKS, still face prosecutions for

human rights advocacy characterized as constituting crimes (receipt of foreign funds, espionage, possession and dissemination of official documents). In October 2016 the UN Working Group on Arbitrary Detention concluded the detention of all six was arbitrary and recommended immediate release. LRWC wrote letters on [23 Jan/17](#), [29 November/16](#), and [28 April 2015](#) calling again for release and dismissal of all charges.

SYRIA

Douma Four still disappeared after three years

The 3rd Anniversary of the abduction and enforced disappearance of Razan Zaitouneh, Samira Al-Khalil, Wa'el Hamada and Nazim Hammadi in Douma (known as the Douma Four) has passed without a change in status. Prior to being abducted from their office by armed men and disappeared, the Douma Four had been passionately engaged in critical human rights work. Their extraordinary work is outlined in the [9 December 2016 letter](#) endorsed by 56 NGOs from many countries, calling on the armed groups in control of the Douma area and the governments who support them, to do everything in their power to facilitate the location and immediate release of the Douma Four.



the Douma Four

THAILAND

Criminal defamation laws violate freedom of expression guarantees.

Thailand's use of criminal defamation laws and the *Computer Crimes Act* to prosecute human rights defenders violates its international obligations and increases risk for businesses that source goods from Thailand, said a coalition of 110 civil society groups, worker organizations, businesses and members of the European Parliament in an [open letter](#) sent to Prime Minister Prayut Chan-o-cha today to mark International Human Rights Day on 10 December. The letter highlighted the conviction of migrant rights defender Andy Hall as a dangerous precedent that would make it more difficult for migrant workers to ensure their rights are respected.



Andy Hall

TURKEY

Dr. İřtar Gözaydın arbitrarily detained



Dr. İřtar Gözaydın

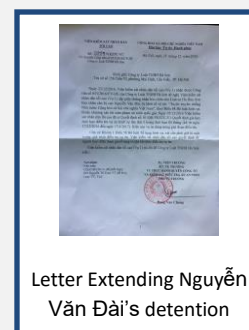
Prominent human rights defender Dr. İřtar Gözaydın was taken into custody by Turkish authorities on 20 December 2016. Dr. Gözaydın is known for opposing capital punishment, founding The Helsinki Citizens Assembly and as head of the Department of Sociology at Gediz University until its closure under the post-coup emergency measures in July. In a letter dated 31 December 2016, LRWC called on Turkey to fulfill its international law obligations and ensure the immediate unconditional release of Dr. İřtar Gözaydın. The LRWC letter emphasized Turkey's duty to fulfill its international human rights obligations even while under emergency measures.

A [recent report](#) states that since the July 2015 attempted 'coup', 287 lawyers have been detained and warrants have been issued for 708 lawyers. Denial of access to counsel is frequent. LRWC member Samantha Black has prepared a memo on International Law Right to Timely and Confidential [Access to Counsel](#). A section on the non-derogability of rights to counsel is in production.

VIETNAM

Incommunicado detention of Nguyễn Văn Đài extended

On 28 December Viet Nam authorities released a document extending the arbitrary detention of human rights lawyer and democracy activist Nguyễn Văn Đài to April 2017. Văn Đài, 46, has been held incommunicado since being arrested on 16 December, 2015 while enroute to discuss human rights issues with European Union representatives. Authorities subsequently sought to justify the unwarranted arrest by charging him with the catch-all charge of 'conducting propaganda against the state' which serves to capture any statement(s) capable of being interpreted as critical of state action. His arrest and detention violates the full range of rights to expression, notice of charges, association, liberty, presumption of innocence, pre-trial release, access to legal counsel and a fair trial. LRWC has written letters ([18 December 2015](#), [10 January 2016](#), [4 July 2016](#)), a joint letter ([December 2016](#)) and submitted a [joint complaint](#) on 29 November 2016 to the Working Group on Arbitrary Detention, seeking release and remediation of his arbitrary detention. Vietnam is a member of the UN Human Rights Council.



Letter Extending Nguyễn Văn Đài's detention

ZIMBABWE

LRWC calls for halt to unlawful arrests of lawyers

On 18 November 2016, Zimbabwe police arrested lawyer Fadzayi Mahere and approximately 40 others during a peaceful demonstration against the government's introduction of new bank notes. In a letter dated 28 December 2016, LRWC called upon the Government of Zimbabwe to ensure Zimbabwe police are restrained from the use of arrest to intimidate and restrict the rights of protesters. The arrest of Fadzayi Mahere and other protesters is a direct violation of Zimbabwe's international legal obligations to ensure freedoms of assembly, speech, association, and the right to participate in public affairs.



Fadzayi Mahere

AWARDS

David F. Sutherland, Chair of the LRWC Board of Directors was appointed as a Queen's Counsel in December. David received the Q.C. in recognition for his work as a litigator and specialist in media law, defamation, open court and free speech rights and in general commercial litigation. The appointment also recognizes David's contributions to human rights advocacy in Canada and around the world. As Chair of LRWC, David works to promote rights globally, including rights to free expression and open court. Prior to joining the Board of LRWC, David served on the board of the B.C. Civil Liberties Association for nine years and on the executive for six years. David provides lectures on media, free speech and defamation issues to law and journalism students in BC.



David F. Sutherland

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IAHCR) 160th SESSION

The IACHR held its 160th special session on December 9-10, which featured public hearings on issues involving Canada and the United States. These hearings included a discussion on US involvement in military operations in Panama in 1949, and the human rights situation of indigenous persons in the context of the Standing Rock protest, of asylum seekers in the United States, and of indigenous children in Canada. Another hearing discussed the right to freedom of expression and antiterrorist legislation in Canada, and specifically addressed concerns around the implementation of the Antiterrorism Act, 2015 (commonly known as Bill C-51), which grants broad powers to the Canadian government to monitor communications and share information, among other things. The Special Rapporteur on Freedom of Expression noted the increasing amount of attacks against journalists as a result of laws that restrict freedom of expression, and raised concerns about the vague definition of the criminal standard for the "defence and promotion of terrorism." LRWC has expressed similar concerns about Bill-C51 on numerous occasions.

The final hearing of the IACHR regarded the situation of the missing and murdered indigenous women and girls in Canada. The Native Women's Association of Canada and the Feminist Alliance for International Action reported to the IACHR the inadequacies of Canada's national inquiry on Murdered and Missing Aboriginal Women. In particular, the groups criticized the inquiry for not integrating a human rights approach, and for not implementing the recommendations of the IACHR and the United Nations Committee for the Elimination of Discrimination Against Women. They also argued that the inquiry does not adequately provide for the inclusion and participation of indigenous women's organizations, fails to examine the policing practices which often contribute to violence against indigenous women, and fails to provide an independent review mechanism for cases of inadequacy in police investigation of violence against indigenous women. LRWC has in the past called upon the Canadian government to implement substantive measures to address the crisis of violence against indigenous women.

INTERNATIONAL CRIMINAL COURT (ICC)

15TH SESSION OF THE ASSEMBLY OF STATE PARTIES (ASP) TO THE ICC

LRWC member Lisa Barrett attended the 15th Session of the ASP to the International Criminal Court (ICC) on 16 – 24 November 2016 in The Hague. Over 400 NGO delegates attended in addition to the State Parties. The relationship between the ICC and African State Parties was a major topic of discussion, as

South Africa, Burundi, and Gambia had given notice of withdrawal from the Rome Statute and the ICC. Major themes which recurred during the Plenary and Debates were: the need to work to achieve and maintain universality of the ICC; the need to take seriously the concerns of African State Parties; and the need to adequately fund the ICC to ensure its essential functions. Keeping in mind these concerns, the ASP adopted a series of actions for the 2017 year. Ms Barrett's report is available [here](#).

UN HUMAN RIGHTS COUNCIL APPOINTMENTS

Diego García-Sayán from Peru was appointed as the new Special Rapporteur on the independence of judges and lawyers starting January 2017. The mandate was created in 1994, and renewed several times since, in response to attacks on judges, lawyers and court workers. The current mandate was adopted by the Human Rights Council on 10 July 2014, and will be subject to renewal in 2017.

Dr. Nils Melzer from Switzerland was appointed as the new Special Rapporteur on Torture starting November 2016 and replacing Juan Mendez who had been the SR/Torture since 1 November 2010. Dr. Melzer's background includes work with the Geneva Academy of International Humanitarian Law and Human Rights, legal advisor to the ICRC, Senior Fellow for Emerging Security Challenges and Steering Committee of the International Code of Conduct for Private Security Service Providers. The current mandate of the Special Rapporteur on Torture was adopted in March 2014, and will be subject to renewal in 2017.

NOTABLE REPORT

Annual [Report on Human Rights Defenders at Risk](#), Front Line Defenders, 5 January 2017 Front Line Defenders reports on more than 1,000 human rights defenders worldwide subjected to attacks from state and non-state actors for their advocacy, including 282 murders in 25 countries, 49% of whom were engaged in defending land, indigenous and environmental rights from encroachment by state and multi-national corporations.

LRWC MEMBERS WORKING PRO BONO DURING DECEMBER-JANUARY

Clive Ansley, Lisa Barrett, Samantha Black, Hanna Bokhari, Gail Davidson, Maya Duvage, Pearl Eliadis, Daniel Frederiks, Andrew Guaglio, Joe Hoffer, Gillian Hutton, Lois Leslie, Ben Levine, Peggy Li, Gavin Magrath, Carolyn McCool, Catherine Morris, Renee Mulligan, Heather Neun, Amy Reier, Llyanna Saldonido.

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.

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

Follow LRWC



Contact us at:

lrwc@portal.ca

Telephone: +1 604 736 1175

Fax: +1 604 736 1170

Lawyers' Rights Watch Canada

is an NGO in Special Consultative

Status with the Economic and Social

Council of the United Nations.

Copyright © 2016-2017 Lawyers' Rights Watch Canada, All rights reserved.