

LRWC NEWSLETTER

August – September 2017 Edition

LRWC ACTION NEWS AND UPDATES

ARGENTINA

Special Prosecutor Alberto Nisman was murdered investigators conclude.



Alberto Nisman

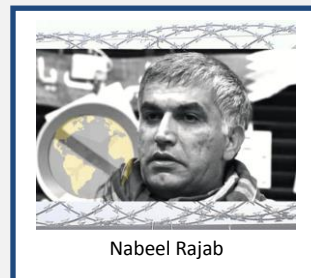
A team of 28 experts concluded in a 14 September 2017 report that Special Prosecutor Alberto Nisman was murdered on 18 January 2015 by a gunshot to the head and did not die by suicide as claimed by Argentine authorities. Nisman was the Special Prosecutor in the investigation of the 1994 bombing of the AMIA Jewish Community Centre. On 15 January 2015 Nisman had filed a criminal complaint accusing Cristina Fernández de Kirchner and Héctor Marcos, then President and Foreign Minister of Argentina, of attempting to shift blame for the

bombing. On 19 January he was to give evidence to Congress about the 10-year investigation. Without Nisman's evidence, the court dismissed the criminal complaint on 26 February 2015 due to insufficient evidence to warrant the court opening an investigation. After Nisman's murder, LRWC (Gavin Magrath) wrote letters to the government of Argentina urging the appointment of an independent commission of inquiry to investigate and rejecting suicide as the explanation. LRWC also urged an investigation of the state's failure to provide protective measures in spite of the death threats made against Nisman. LRWC letters can be viewed [here](#).

BAHRAIN

Illegitimate proceedings against Nabeel Rajab postponed again as his health worsens

On 8 August 2017, a Bahraini Court held its 15th appearance in the so-called "Twitter case" against Mr. Nabeel Rajab and postponed the hearing until September 11, 2017, despite requests from Mr. Rajab's lawyers for an early hearing. The court stated that by then, new judges will be sitting on the case. At the August appearance, Mr. Rajab had visibly lost weight and his voice had weakened and he has been denied access to his lawyers for two weeks prior. Rajab faces a possible sentence of 15 years if convicted of illegitimate charges of "insulting a statutory body" (Article 216 of the Penal Code), "disseminating false rumours in time of war" (Article 133) and "offending a foreign country [Saudi Arabia]" (Article 215).

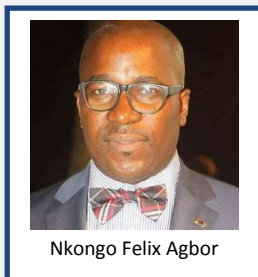


Nabeel Rajab

The charges are based solely on tweets denouncing torture of detainees in Jaw Prison; and human rights atrocities perpetrated by Saudi-led coalition air strikes in Yemen. On 11 September new judges announced a postponement to 27 September and then to 19 November. Nabeel Rajab was sentenced to 2 years in prison on 11 July 2017 on another set of charges based on comments he made during a television interview. LRWC communications on behalf of Nabeel Rajab can be viewed on the [LRWC website](#) along with a summary of the illegitimate criminal proceedings and lengthy terms of arbitrary imprisonment he has suffered since 2012.

CAMEROON

Over 50 jurists, educators, labour leaders released and charges withdrawn



On 30 August, President Biya announced the release and withdrawal of charges against Nkongo Félix Agbor, Fontem Afortek'a Neba, Paul Abay Abine and 54 others arrested in connection with protests for recognition of Anglophone rights in the legal, education and employment sectors. Arrest and detention of these and other activists started in December 2016. All those released faced charges before a military tribunal, and many faced the possibility of execution. Trial of civilians by military courts is prohibited by international law arising from, *inter alia*, the UN and African Union systems, as is the imposition of a death sentence. LRWC [presented communications](#) to state and UN bodies objecting to the charges as illegitimate in substance and purpose, the detention as arbitrary and the military court proceedings as contrary to law. Following release, Barrister Agbor Balla published a [statement](#) thanking LRWC, the Law Society of Upper Canada, Front Line Defenders, the African Bar Association, the Bar Human Rights Committee of England and Wales and others. At least 80 people charged as a result of the Anglophone protests remain in prison. Activists are calling for their immediate release and a variety of measures to remedy the Anglophone crisis including: withdrawal of charges, dialogue, accountability for use of force by police, security and armed forces, and re-examination of law.

CANADA

Canadian Professor faces intimidation for UN work

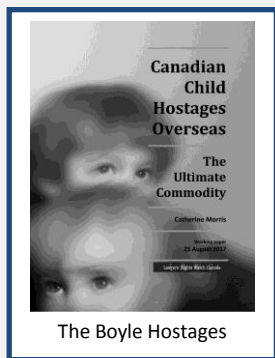
In a [letter](#) dated 3 August, LRWC asked the Government of Canada to condemn acts of reprisal and intimidation by the group UN Watch against Michael Lynk, UN Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, and associate professor at the University of Western Ontario (UWO). The Geneva-based UN Watch, through its Executive Director, had made several misleading statements about Professor Lynk since his nomination as Special Rapporteur in 2016. On 20 July 2017, the organization sent a letter to the President and Vice Chancellor of UWO describing the mandate of the Special Rapporteur as "bigoted" and "anti-human rights", and asking that the university strip Professor Lynk of his resources as a university professor. UN Watch also made false claims, including that UWO provides "\$100,000" worth of services to Professor Lynk, when in reality the figure is around \$1,000 for administrative support enjoyed by all UWO professors. LRWC has asked that the Government of Canada condemn the intimidation of Professor Lynk and urged the government to provide appropriate legislative protections for reprisals against Canadians who are human rights defenders working with the UN.



LRWC intervention in the TWU Appeals to the Supreme Court of Canada

The Supreme Court of Canada will hear two appeals involving Trinity Western University and the Law Societies of BC and Upper Canada (*TWU v LSUC & LSBC v TWU*) on 30 November and 1 December. On 27 July, leave to intervene was granted to LRWC and six other groups in both appeals along with three groups intervening in the LSUC appeal. On 31 July leave to intervene was granted to an additional 12 groups in both appeals, and two groups in the BCSC appeal. The orders allow each intervener a five minute oral presentation at the hearing. [LRWC's factum](#), prepared by Gail Davidson and Lois Leslie with assistance from Gavin Magrath and Michael Mulligan and filed 31 August, examines international human rights law provisions and jurisprudence that establish and interpret rights to freedom of thought, conscience and religion, equality and non-discrimination, privacy, freedom from coercion to adopt or have a religion or belief, and limitations on the right to manifest beliefs.

International law obligations to protect rights of citizens illegally detained abroad



The Boyle Hostages

[Canadian Child Hostages Overseas: The Ultimate Commodity](#), by Catherine Morris was publicly released on 11 September and sent to Canada's Prime Minister and Minister of Foreign Affairs. Advance copies had been sent to Canada's Minister of Foreign Affairs for feedback in August. The 33-page report examines Canada's international law obligations to secure the safe release of Canadian citizens taken hostage and illegally detained abroad. The working paper focuses on the current the case of Canadian citizen Joshua Boyle, his wife, US citizen, Caitlan Coleman, and their two infant children born in captivity. Kidnapped in Afghanistan in October 2012, when Caitlan Coleman was five months pregnant, the parents have been held hostage by the Taliban-affiliated Haqqani Network for nearly five years and the two children since birth. The report identifies grave violations of their internationally protected rights including rights to life, liberty, and freedom from torture. The report also looks at other cases of citizens illegally detained outside Canada and examines the Canada's record of failing to reliably provide consular services to secure the liberty and protect the rights of citizens held hostage of otherwise illegally detained abroad.

Access to information ranks Canada 49 of 111 states: Bill C-58 reforms inadequate

On International Right to Know Day, 28 September, the Centre for Law and Democracy released an [open letter to Canada](#) calling for the promised reform of Canada's 35-year old Access to Information Act and rejecting Bill C-58 amendments as wholly inadequate. The letter, endorsed by 35 organizations including LRWC, and many individuals, records the objections of signatories to Bill C-58's flaws: "including the vastly overbroad regime of exceptions, the broad discretion of public authorities to delay in responding to requests, the absence of any duty for public authorities to document important decision making processes, and the limited scope of coverage of the Act. In some areas, it even weakens the current rules." The signatories ask that Canada fulfil election promises to enact a new statute that ensures rights to the access to information needed to meaningfully participate in decision making and the democratic process.



COLOMBIA

EJP Members under attack for participating in protest

LRWC was deeply concerned to learn from the Equipo Juridico Pueblos (EJP) that on 1 July, whilst protesting peacefully, three human rights defenders were subjected to violence by law enforcement officials

during their arrest for allegedly blocking a road and for alleged violence against public servants. During the protest, human rights lawyer Rommel Jonathan Durán Castellanos intervened to protect community leader Eliecer Alfonso Vergel from physical attack by agents of ESMAD (National Police riot control unit). In response, ESMAD assaulted Mr. Durán and Mr. Alfonso. When Maria Fernanda Montiel Murillo, a journalist with the Colombia Informa, voiced her concerns at the treatment of her colleagues, she was assaulted by plain clothes officers. Mr. Durán, Mr. Alfonso and Ms. Montiel were then taken to the police stations of La Gloria and Aguachica and detained for 31 hours before being released without charges. LRWC, the Colombia Caravana UK Lawyers Group (Caravana/UK), Lawyers for Lawyers (L4L) and others sent [a joint letter on 8 August](#) to urge the Government of Colombia to conduct a full and impartial investigation into the treatment and unlawful detention of the three human rights defenders. The letter also asked for adequate protective measures.



Rommel Jonathan Durán Castellanos, arbitrarily imprisoned in 2014

LRWC and Colombia Caravana support application to the IACHR for protection

On 12 July 2017, the Equipo Jurídico Pueblos (EJP) applied to the Inter-American Commission on Human Rights (IACHR) for Group Precautionary Measures. The application asks that the IACHR order the Colombian Government to issue effective measures to protect the life and physical integrity of EJP members, and to initiate and complete full and impartial criminal and disciplinary investigations into the threats made and injuries caused to members. In a [7 August letter](#), LRWC, Caravana/UK, L4L, and others confirmed support for the application. The Caravana/UK has been concerned with the safety of EJP members for some time, noting there is a high rate of impunity for killings and threats to human rights lawyers in Colombia.

LWBC and LRWC file amicus brief in the Constitutional Court of Colombia

A joint [amicus brief](#) was filed on 26 July 2017 in the Constitutional Court of Colombia by Lawyers Without Borders Canada, with the support of LRWC, Global Rights Compliance and the Laval University Clinic of International and Humanitarian Law. The Amicus Brief examines the compliance of the proposed Special Jurisdiction for Peace Act, with Colombia's international obligations, and pays particular attention to the way in which the proposed bill may limit the criminal liability of commanding officers for international crimes presumably committed by troops under their authority.



Stop and remedy attacks on members of the lawyers collective

LRWC, la Fundación de la Abogacía Española, L4L, the Caravana/UK, Colombia Caravana de Juristas the Netherlands and the Colombian Caravana Irish Lawyers' Group, on 12 September, [joined to call on Colombia](#) (Heather Neun) to stop and remedy attacks on members of the Corporación Colectiva de Abogados Luis Carlos Perez and other human rights defenders (HRDs), to provide effective protection measures to HRDs in jeopardy, and to prevent further attacks.

MYANMAR

Military attacks on Rohingya people condemned as ethnic cleansing

LRWC sent a [letter on 13 September](#) (Paul Copeland, Megan Presnail) calling on Myanmar authorities to immediately stop the military attacks on the Rohingya, hold accountable all those responsible, end impunity

for military atrocities, allow unimpeded access to the UN appointed Fact Finding Mission, and institute measures to remedy the historic discrimination, marginalization and abuse of Rohingya people. The military attacks on the Rohingya, described as “ethnic cleansing,” by the UN Secretary General and as “brutal,” and disproportionate by the UN High Commissioner for Human Rights, caused deaths, injury, destruction of villages and the forced displacement of 500,000 people fleeing to Bangladesh to avoid death.



PHILIPPINES

Tinay Palabay threatened for work with Karapatan human rights NGO



Cristina “Tinay” Palabay, prominent human rights activist and Secretary General of Karapatan Alliance for the Advancement of Peoples’ Rights, received a telephone threat on 20 July demanding that she stop her human rights work and warning that she was on a list and would be visited by the caller soon. LRWC viewed this threat as very serious within the context of the current situation: thousands of extra-judicial killings in the Philippines, and President Duterte announcing his intention to direct police to shoot human rights activists, praising assassinations of crimes suspects, and rejecting human rights as a guide to state behaviour. LRWC wrote a [letter](#) (Gail Davidson, Miranda Cheng), intended to signal that Ms Palabay’s safety

is being monitored, and asking authorities to ensure her personal and professional safety and accountability for the parties responsible for the threat.

SYRIA

Disappeared expression activist Bassel Khartabil executed

It has been confirmed that Syrian-Palestinian software engineer and free speech activist Bassel Khartabil was executed in October 2015, days after he was moved from Adra prison in Damascus. He had been detained since his arrest on 15 March 2012, and was subjected to torture and other ill-treatment while in prison. Mr. Khartabil had used his technical expertise to help advance freedom of speech and access to information via the internet. He won many awards for his work, including the 2013 Index on Censorship Digital Freedom Award, and he was named on of Foreign Policy magazine’s Top 100 Global Thinkers of 2012. A [letter](#) signed by many international organizations, including LRWC, urged Syrian authorities to disclose the circumstances of Bassel’s execution and to end all extrajudicial executions, enforced disappearances and arbitrary arrests. LRWC had earlier ([7 October 2015](#), [20 November 2015](#) and [17 March 2016](#)) joined others to call on authorities to locate and release him.



THAILAND

Migrant workers face defamation charges for complaints about labour violations

On 7 July 2016, 14 migrant workers from Myanmar submitted a complaint to the National Human Rights Commission of Thailand (NHRC) alleging that Thammakaset Co. Ltd. violated their labour rights. Thammakaset is a Thai-owned poultry company operating a factory farm in Lopburi Province and selling poultry to several other, often significantly larger, chicken exporting companies. In their complaint, the workers alleged that Thammakaset paid them less than minimum wage, failed to pay overtime wages, forced them to work excessive hours, and restricted their freedom of movement, including by confiscating their identity documents such as passports. In response, on 6 October 2016, Thammakaset filed a criminal defamation complaint against the migrant workers, alleging that the migrants' complaint to the NHRC damaged its reputation. Thammakaset also filed criminal defamation and computer crimes charges on 4 November 2016 against U.K. labour rights advocate Andy Hall for his commentary on social media concerning the abuse the workers alleged they suffered (Black Case Or (๑.) 3644/2559). Criminal defamation charges are being used in Thai courts to punish workers and human rights defenders seeking to assert rights under Thailand labour law. In a [joint letter, released 20 September](#), 87 national and international organizations, business groups, and parliamentarians, including Fortify Rights and LRWC, called on Thailand to decriminalize defamation and pro-actively protect the rights of migrant workers and human rights defenders who report on abuses, particularly in the context of business operations.

TURKEY

18 lawyers arrested on the eve of representing detained clients on a hunger strike



Semih Özakça (L) and Nuriye Gülmen (R)

By [letter dated 14 September](#) (Brian Samuels), LRWC called upon Turkey to immediately and unconditionally release Didem Unsal and 17 other lawyers, arrested and detained on 12 September 2017. The timing of the arrests was only two days before the lawyers were scheduled to defend Nuriye Gulmen and Semih Ozakca, who have been hunger striking in protest of Turkey's ongoing repression of lawyers and educators. LRWC condemns the arrests and detentions as contravening international human rights obligations and internationally protected rights, including rights to liberty, fair trial, practice law, and represent clients. The arrests of Didem Unsal and the 17 other lawyers are part of thousands of arrests and wrongful prosecutions of lawyers and human rights defenders in Turkey since July 2016. Included is the arbitrary arrests and continued detention of Amnesty International Turkey's Director, Idil Eser, and Chair, Taner Kiliç. As of 25 September, 538 lawyers, exclusive of other human rights advocates, have been arrested since 15 July 2016 and 1385 are under prosecution.

Director of Amnesty International Turkey remains in jail

Idil Eser, the Director of Amnesty International Turkey, remains in jail more than two months after her arrest. With no immediate family, she has basically been held incommunicado, not permitted any visitors other than with her lawyers. When the Secretary General of Amnesty International Salil Shetty was allowed to visit her briefly on 9 September, Eser told him she is not allowed phone calls and she does not receive any letters sent to her. Eser remains dedicated to her human rights work, telling Shetty that her time in prison has made her even more committed to her values.



Idil Eser

VIET NAM

Crackdown continues as four activists arrested in connection with Nguyễn Văn Đài



Nguyễn Văn Đài

On 30 July 2017, four human rights activists were arrested and charged under Article 79 of Viet Nam's Penal Code. They include Pastor Nguyen Trung Ton, Pham Van Troi, Truong Minh Duc, and Nguyen Bac Truyen. Each individual has previously been harassed, assaulted and detained for their pro-democracy and human rights advocacy. These arrests come as part of a widespread government crackdown on dissent, which has targeted lawyers and other human rights defenders.

[According to an article in the Guardian](#), at least 11 human rights defenders have been arrested and prosecuted for similar activities in the summer of 2017 alone. These four prosecutions are connected to the case of Nguyễn Văn Đài, who was arrested in 2015 with his assistant Le Thu Ha. The two were charged with "propaganda against the state" (Article 88), but the charges were recently changed to Article 79, which is "carrying out activities aimed at overthrowing the people's administration." If convicted under Article 79, they may face the maximum punishment, which is the death penalty. In a [statement](#) on 28 July, the Office of the UN High Commissioner for Human Rights (OHCHR) expressed concern over "the intensifying crackdown in Viet Nam against human rights defenders who have questioned or criticized the Government and its policies," stating that "human rights defenders should never be treated as criminals who are a threat to national security." LRWC advocacy on behalf of The UN Working Group on Arbitrary Detention also [released an opinion](#) on the Nguyễn Văn Đài case in June, stating that his detention violates international law and recommending his immediate release. They also noted that Viet Nam's ongoing and systematic crackdown on human rights defenders and political dissidents "may constitute crimes against humanity." LRWC continues to work with local and international organizations against this crackdown in Viet Nam. LRWC advocacy on this case can be viewed in the [Viet Nam section](#) of the website.

ZIMBABWE

Bill threatens to decrease the transparency of judicial selection

LRWC is one six organizations urging the President of Zimbabwe to veto a bill which would amend the Constitution of Zimbabwe, by [letter dated 4 August](#). The bill would change the process by which judges are appointed, and decrease the transparency and independence of the selection process. Currently, judges are selected through a system of public nominations and interviews conducted by the Judicial Services Commission. If passed, the bill passes would grant the President the sole discretion to appoint individuals as Chief Justice, Deputy Chief Justice, and Judge President of the High Court, which are the highest and most influential positions in the judiciary. On 5 September the bill failed to get the required 2/3 majority of both houses of Parliament.

UN HUMAN RIGHTS COUNCIL 36th Session, 11 – 29 September 2017

LRWC at the 36th Session of the UN Human Rights Council (HRC)

Catherine Morris and Paul Scambler Q.C. attended the HRC from 1 – 28 September. In addition to attending daily session of the HRC and presenting oral statements, Catherine and Paul attended side events and strategy sessions with NGOs, met with Special Procedures mandate holders and secretariats and with state representatives. Meetings focused on specific cases and global issues.

Oral statements presented by LRWC were:

- **Global** - [Need to develop a mandatory Code of Conduct](#) for members of the HRC, LRWC statement presented by Catherine Morris on 19 September during General Debate, Item 4. [Watch video here](#) at Ch. 79 at 02:19:01.
- **Myanmar** – All states must use diplomatic means to urge Myanmar to end violence against Rohingya and allow access by UN Fact Finding Mission, Joint Statement of LRWC and the International Bar Association, presented by Catherine Morris on 19 September during Interactive Dialogue with the FFM. [Watch Video](#) at 2:32: 43.
- **Bahrain** – [Continuing Failure to comply with UPR recommendations](#), LRWC statement presented by Paul Scambler Q.C. on 21 September during UPR Outcomes. [Watch Video](#) at 00:45:29.
- **Canada/US/Afghanistan/Pakistan** – [Hostages and other illegally-detained persons entitled to protection and advocacy](#) by their home states, LRWC statement presented by Catherine Morris on 22 September during Item 5 General Debate. [Watch video here](#) at Ch. 43 at 01:17:34.
- **Cambodia** – [Cambodia urged to cooperate with HRC Special Procedures](#) mandate holders toward independence of the judiciary and respect for right to freedoms of expression, association and assembly, LRWC statement presented on 27 September by Catherine Morris during Item 10 Interactive Dialogue with Special Rapporteur. [Watch video here](#) at Ch. 25 at 01:06:57.
- **Thailand/Cambodia/Turkey/Saudi Arabia/China** – [States must cooperate with UN Advisory Services and Technical Cooperation in the Field of Human Rights](#) towards independent and integrity of the legal profession, Joint Statement by LRWC and Lawyers for Lawyer, presented on 28 September by Catherine Morris during Item 10 Interactive Dialogue with the Special Rapporteur. [Watch video here](#) at Ch. 26 at 01:06:02.



Catherine Morris at the UN Human Rights Council

Read the reports to which LRWC contributed (A/HRC/36/31) online [here](#). LRWC endorsed a [letter asking states to reject](#) amendments to the draft resolution renewing the mandate of the UN Working Group on Enforced and Involuntary Disappearances. The amendments were rejected by a 23 to 18 vote.



Paul Scambler and Catherine Morris in Geneva

LRWC MEMBERS WORKING PRO BONO IN AUGUST & SEPTEMBER

Clive Ansley, Hanna Bokhari, Pinder Cheema, Paul Copeland, Diana Davidson, Gail Davidson, Pearl Eliadis, Julius Grey, Omar Ha-Redeye, Joshua Lam, Lois Leslie, Ed Levy, Peggy Li, Renee Mulligan, Heather Neun, Gavin Magrath, Rasmeeet Maher, Carolyn McCool, Catherine Morris, Michael Mulligan, Renee Mulligan, Heather Neun, Tina Parbahkar, Megan Presnail, Brian Samuels, Paul Scambler, Vani Selvarajah, Peggy Stanier, Cindy Song, Luiza Tiexiera.

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