

LRWC NEWSLETTER

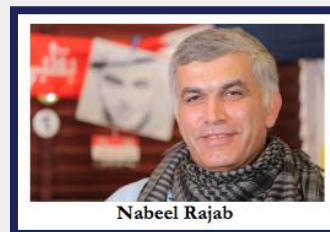
August-September 2018 Edition

LRWC ACTION NEWS AND UPDATES

BAHRAIN

WGAD calls Nabeel Rajab's detention arbitrary & discriminatory

For the second time since 2013, the United Nations (UN) Working Group on Arbitrary Detention (WGAD) has issued an [Opinion](#) identifying the detention of Mr. Nabeel Rajab as illegal under international human rights law. In its 13 August 2018 Opinion (A/HRC/WGAD/2018/13) the WGAD held that the detention was arbitrary and discriminatory and in contravention of rights guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Rights violated by the detention include rights to liberty, expression, assembly, association, equality and non-discrimination and freedom of thought, conscience and religion. The WGAD requested that Bahrain “release Mr. Rajab immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.” Mr. Nabeel Rajab was arrested on 13 June 2016 and has been detained since then by the Bahraini authorities on charges that violate his internationally protected rights, including his right to engage in human rights advocacy through expression, association and assembly. On 15 January 2018, the Court of Cassation upheld his two-year prison sentence, convicting him of “spreading false news and rumors about the internal situation in the Kingdom, which undermines state prestige and status.” The charges arose from Mr. Rajab’s participation in televised interviews and his tweets criticizing alleged torture in Bahrain’s Jaw Prison. On 29 August 2018, LRWC and 129 other human rights groups issued a [statement](#) supporting and echoing the WGAD request for immediate and unconditional release.



Nabeel Rajab

CAMEROON

Cameroonian human rights lawyer Felix Agbor Nkongho visits Canada: 22 October - 7 November

Mr. Nkongho will visit Canada at the invitation of LRWC. During his visit, Mr. Nkongho hopes to improve opportunities for a peaceful and just resolution of the ongoing Anglophone crisis in Cameroon through education, dialogue and information exchange with lawyers, MPs, language and international human rights specialists and others. The Law Society of Ontario (LSO), the University of Ottawa Human Rights, Research and Education Centre (HRREC) and the McGill University Centre for Human Rights and Legal Pluralism (CHRLP) will host presentations by, and discussions with, Mr. Nkongho as follows:

- 25 October 2018 in Toronto: hosted by the LSO from 6:00 – 9:00 pm;
- 30 October 2018 in Ottawa: hosted by the University of Ottawa HRREC;
- 1 November 2018 in Montreal: hosted by the McGill University CHRLP.

Event details will be posted online by 14 October.

CANADA

TWU removes mandatory signature of Community Covenant for students

The Trinity Western University (TWU) Board of Governors voted to remove the mandatory requirement that students sign the Community Covenant as a condition of attendance. The Covenant, which prohibits sexual intimacy other than between a married man and woman, remains mandatory for TWU faculty and staff. LRWC intervened at the Ontario Court of Appeal and the Supreme Court of Canada to support denial of accreditation of the law school proposed by TWU on the basis that the Covenant contravened internationally protected rights to equality and non-discrimination, privacy and family life, rights to hold a belief free from coercion and equal access to the education necessary to be a lawyer. Read more about the Court cases [here](#).



Photo by Kinder Morgan Canada

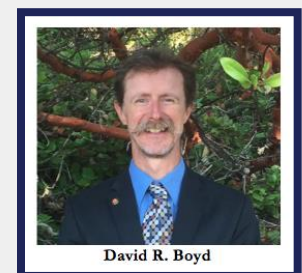
Federal Court of Appeal halts construction of Kinder Morgan pipeline

On 30 August, the Federal Court of Appeal (FCA) in the [Tsleil-Waututh v. Canada](#) case brought by the Tsleil-Waututh and Squamish Nations, the cities of Burnaby and Vancouver, the Raincoast Conservation Foundation and the Living Oceans Society, quashed the Order in Council approving the expansion of the Kinder Morgan pipeline and remitted the matter back to the Governor in Council (GIC) to address the two flaws identified. The FCA ruled that because the National Energy Board (NEB) report failed to provide information and assessment of potential environmental damage

from project-related marine shipping of bitumen, it could not reasonably be relied on by the GIC. The second flaw was Canada's failure to fulfill legal duties to properly consult Indigenous peoples about the pipeline after the NEB report was published. The court directed the GIC to refer the matter back to the NEB to properly assess the public interest, including the project's environmental effects and directed Canada to "engage dialogue meaningfully and grapple with the real concerns of the Indigenous applicants so as to explore possible accommodation of those concerns." (See Executive Summary Trans Mountain). Canada has since announced a limited 22-week review by the NEB with a deadline of 3 October for public input. Over 200 people peacefully protesting work on the pipeline have been cited for criminal contempt, fined, ordered to do (additional) community service and jailed for token contraventions of a March 2018 injunction. The presiding judge has rejected submissions from alleged contemnors about their duty to seek to prevent (through protest) the irremediable environmental damage and violation of Indigenous rights that will flow from construction of the pipeline. These critical public interest issues were not considered when the injunction was ordered.

David R. Boyd appointed as UN Special Rapporteur

David R. Boyd was appointed as the UN Special Rapporteur (SR) on human rights and the environment for a three-year term commencing 1 August 2018. He is an associate professor of law, policy, and sustainability at the University of British Columbia. He has a PhD in Resource Management and Environmental Studies from UBC, a law degree from the University of Toronto, and a business degree from the University of Alberta. His career has included serving as the executive director of Ecojustice and working as a special advisor on sustainability to Paul Martin when he was the Prime Minister. Dr. Boyd has advised many governments on environmental, constitutional, and human rights policy and co-chaired Vancouver's effort to become the world's greenest city by 2020. He is a member of the World Commission on Environmental Law, an expert advisor for the UN's Harmony with Nature Initiative, a member of the Environmental Law Alliance Worldwide (ELAW) and author of nine books and over 100 reports and articles. Other Canadians currently serving include:



David R. Boyd

- Leilani Farha – SR on adequate housing as a component of the right to an adequate standard of living
- Michael S. Lynk – SR on the situation of human rights in Palestinian territories occupied since 1967
- Bernard Duhaime – Chair of the Working Group on Enforced or Involuntary Disappearances

CHINA

Widespread human rights violations in western China

LRWC joined nine other NGOs in a letter dated 3 September 2018 highlighting widespread violations against Uyghurs and other Muslim minorities in western China and the need for states to ask the UN Human Rights Council to take action. There have been mass incarcerations of men, women, and in some cases, teenage children in “political education camps” in China’s Xinjiang Uyghur Autonomous Region, which violates rights to liberty, expression, association, assembly, and movement and freedom of religion, thought and conscience. Academics and non-governmental organizations estimate approximately one million people are being detained in these “camps”. Chinese authorities have sought to justify this treatment as necessary to maintain stability and security, as well as a counter-terrorism measure. Despite many reports, Chinese government representatives deny that practices of “excessive use of force, arbitrary detention, and torture” exist in Xinjiang.

IRAN

LRWC calls for the release of Nasrin Sotoudeh



Nasrin Sotoudeh

On 22 August 2018, 60 members of the European Parliament (MEPs) [called on](#) Iranian President Hassan Rouhani to ensure the unconditional release of human rights lawyer Nasrin Sotoudeh. Ms. Sotoudeh has been detained since 13 June 2018, and faces illegitimate charges of “spreading propaganda against the system” and “gathering and colluding to commit crimes against national security.” Prior to arrest, Ms. Sotoudeh was representing women’s rights activists peacefully protesting against compulsory veiling. She has also publically criticized the recent implementation of the Note to Article 48 of Iran’s 2015 Code of Criminal Procedure, which denies individuals accused of certain offences, including those related to national security, the right to a lawyer of choice. Ms. Sotoudeh was previously imprisoned for 3 years for peacefully defending clients. She was the 2012 recipient of the European Parliament’s Sakharov Prize for Freedom of Thought. In a [joint letter](#) (Tina Parbhakar) dated 22 August 2018, LRWC, Lawyers for Lawyers, the Law Society of England and Wales, the Bar Council of England and Wales and the Bar Human Rights Committee of England and Wales, call on Iran to immediately and unconditionally release Ms. Sotoudeh and to withdraw all charges against her.

MALAYSIA

Eric Paulsen and S. Arutchelvan acquitted of sedition charges

Sedition charges against human rights lawyer Eric Paulsen and Parti Sosialis Malaysia leader S. Arutchelvan have been dropped after the prosecution indicated they did not wish to continue the case against the two men. Mr. Paulsen was charged with sedition in February 2015 for criticizing the Malaysian Islamic Development Department on his Twitter account and Mr. Arutchelvan was charged with sedition in October 2015 for allegedly criticizing the judiciary over the second sodomy trial of Anwar Ibrahim. The Sedition Act 1948 has been identified by many states, legal specialists and NGOs including LRWC as a tool used to restrict freedom of expression in Malaysia in contravention of international law binding on Malaysia. LRWC has published many letters and briefs outlining the illegitimacy of sedition prosecutions of lawyers and other human rights defenders, including two letters in support of Mr. Paulsen in [January 2015](#) and [February 2016](#). The LRWC brief, [Lawyers and the Rule of Law on Trial: Sedition in Malaysia](#) (Gail Davidson, Tami Friesen and Michael Jackson) was instrumental in the stay of sedition charges against human rights lawyer Karpal Singh in 2001.



Eric Paulsen & S. Arutchelvan

MYANMAR

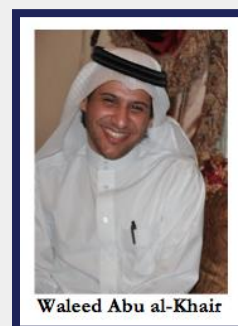
Global support needed to stop and remedy atrocities in Myanmar

The Independent International Fact Finding Mission on Myanmar (FFM), appointed by the UN Human Rights Council, released its findings on 24 August. The FFM confirms systematic and shockingly brutal violations of human rights in Rakhine, Kachin and Shan States, and concludes there is sufficient evidence to warrant the investigation and prosecution of senior officials in the Armed Forces of Myanmar for genocide, crimes against humanity and war crimes. The FFM report concludes that civilian authorities contributed to atrocity crimes by facilitating the spread of false information, blocking independent investigations, and overseeing the destruction of evidence. The report also confirms that social media posts and messages, particularly on Facebook, spread hate, which then contribute to discrimination and violence. LRWC issued a [statement](#) (Catherine Morris, Gail Davidson) on 4 September 2018 calling on states to accept the FFM recommendations and take collective action to prevent the reoccurrence of atrocities in Myanmar. The statement is available in English and French. LRWC's oral statement to the Human Rights Council can be accessed below.

SAUDI ARABIA

Release Waleed Abu al-Khair and other imprisoned activists

LRWC has again called, [by letter](#) dated 2 August 2018 (Maya Duvage and Gail Davidson) on Saudi Arabia to immediately release Waleed Abu al-Khair and other human rights defenders arrested, detained and sentenced to prison in flagrant contravention of international human rights law. Prominent human rights lawyer Waleed Abu al-Khair, unlawfully imprisoned since April 2014, was sentenced in July 2015 to 15 years in prison, as well as a fine and a 5-year travel ban on release, for his work as a criminal defense lawyer, his human rights advocacy and education, and his role in founding, registering in Ontario and operating the Monitor for Human Rights in Saudi Arabia (MHRSA). The WGAD determined that his detention is arbitrary and without lawful justification and recommended immediate release and compensation. Saudi Arabia has further punished Mr. Abu al-Khair in detention by refusing medical treatment, subjecting him to torture and other ill-treatment, restricting visits and communications with family, friends and advocates, and threatening further punishment for his refusal to apologize, recant and remain silent on rights and democracy issues. LRWC condemns Saudi Arabia's continuing use of illegitimate charges, executive-controlled courts and denial of due process to wrongfully convict and imprison lawyers and other human rights advocates bold enough to speak out against grave injustices. Previous LRWC letters on Waleed Abu al-Khair can be found [here](#).



Hands off Samar Badawi

Samar Badawi and Nassima al-Sadah were arrested and detained in late July in another alarming instance of Saudi Arabia's misuse of police powers to arbitrarily detain critics in order to force them and frighten others into silence. Ms. Badawi was formerly a prominent advocate for imprisoned human rights activists and women's rights in Saudi Arabia. She is the former wife of Waleed Abu al-Khair and the sister of imprisoned blogger Raif Badawi. After Abu al-Khair's imprisonment she continued to operate MHRSA until her arrest in 2016. Her recent imprisonment could be a ploy to force apologies from Abu al-Khair and Badawi. Samar has been harassed for her work in the past, notably in January 2016 when she was arrested, along with her infant daughter. Ms. Al-Sadah has also been a prominent activist for the rights of women and the Shi'a minority. LRWC sent a [letter](#) dated 3 August (Maya Duvage and Gail Davidson) calling on Saudi Arabia to honour its obligations as a member of the UN Human Rights Council, to release Badawi and al-Sadah and cease all harassment and intimidation.

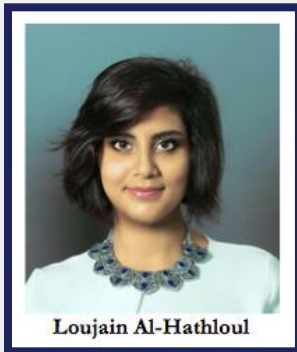
Canada calls for release of jailed activists

On 14 August 2018, LRWC wrote a [letter](#) (Maya Duvage and Gail Davidson) commending Canadian Minister of Foreign Affairs Chrystia Freeland’s principled stance upholding the importance of the rule of law and international human rights law, including women’s rights, and encouraging the Minister to disregard Saudi Arabia’s claims of attempted interference with its “internal affairs”. Such claims ignore the duty of Canada and other UN members set out in the Charter of the UN, to “promote and encourage respect for human rights and for fundamental freedoms for all.” LRWC’s letter to the editor, [Canada’s criticism of Saudi Arabia upholds our international obligations](#), was published by the Vancouver Sun. Ms. Freeland drew Saudi Arabia’s ire when she [tweeted](#) on 3 August 2018 that “Canada is gravely concerned about additional arrests of civil society and women’s rights activists in Saudi Arabia, including Samar Badawi. We urge the Saudi authorities to immediately release them and all other peaceful human rights activists.” In response, Saudi Arabia expelled Canada’s ambassador to Saudi Arabia, ordered all Saudi students to leave Canada, froze new trade, blocked grain imports and has recently demanded an apology. Although its gross and widespread human rights abuses—e.g. flogging, beheading, unlawful imprisonment, criminalization of thought, conscience, religious belief, expression, assembly, association, atrocities in Yemen—are well known globally, the power of Saudi Arabia’s wealth usually prevents mention of abuses by state authorities. Recently however, Spain cancelled sale of 400 laser guided bombs, and Germany, Norway, Netherlands, and Belgium cancelled sales of military goods to Saudi Arabia, and Malaysia withdrew from the 41-member military counter-terrorism coalition led by Saudi Arabia and closed the Saudi-backed Centre for International Peace in Malaysia.



Chrystia Freeland
Photo by Sean Kilpatrick

Release Samar Badawi and other Women’s Rights Activists



Loujain Al-Hathloul

On 24 August 2018, LRWC sent a [second letter](#) to Saudi Arabia calling for the immediate release of Samar Badawi and other detained activists. The arrest and arbitrary detention of Samar Badawi and other peaceful defenders including Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, Israa Al-Ghomgam, Nassima Al-Sadah and Hatoon Al Fassi is a denial of rights to liberty, freedom from arbitrary detention, independent judicial oversight, due process, legal representation, freedom from incommunicado detention and other ill treatment, all of which constitute grave violations of Saudi Arabia’s international law obligations. Saudi Arabia continues to refuse to comply with calls from the international community to stop the crackdown against women defenders and to release those detained, including [a call](#) on 27 June 2018 from nine United Nations human rights experts.

SOUTH SUDAN

Detention and Disappearance of Peter Biak Ajak

On 28 July 2018, prominent academic, activist and chair of the South Sudan Young Leaders Forum Peter Biar Ajak was arrested by the National Security Services (NSS) at the Juba International Airport. Mr. Ajak was preparing to travel to Awiel for a youth forum he organized, and Amnesty International reports that the arrest appears to be linked to the youth forum. He has since been held at the NSS headquarters in Juba with no access to a lawyer. LRWC wrote [a letter](#) dated 6 August 2018 (Joe Hoffer) calling on the authorities of South Sudan to immediately and unconditionally release Mr. Ajak.



Peter Biak Ajak

TURKEY

Taner Kilic released after more than 14 months in prison

Taner Kilic, the Honorary Chair of Amnesty International Turkey, has been released on bail after spending more than fourteen months in prison. The release pending trial was ordered after a monthly review of his imprisonment by the Istanbul 35th High Criminal Court. Mr. Kilic was arrested on 6 June 2017 while meeting with eleven other activists on Büyükkada, one of İstanbul's Prince's Islands. He was charged with membership in a terrorist organization, after authorities claimed they discovered Bylock on his phone. Bylock is a secure mobile messaging application which was allegedly used by the "Fethullahist Terrorist Organization" to communicate. Mr. Kilic has stated that he did not download or use Bylock, and authorities have not produced evidence to substantiate their claims. Mr. Kilic's arrest and detention is part of a larger crackdown by Turkish authorities following a coup attempt in July 2016. An order for pre-trial release made in January was overturned before he could be released. The LRWC letters on Mr. Kilic and the situation in Turkey can be found [here](#).



Taner Kilic

21 arbitrarily detained members of the Istanbul Bar Association

LRWC is urging the government of Turkey to release 21 arbitrarily detained lawyers. The lawyers were summarily convicted of "membership in an armed terrorist organization" or "propaganda of terrorism", charges which are too broad and ill-defined to allow notice, avoidance or defence and are not supported by evidence that could justify conviction. In some cases, the only evidence on which the conviction was based appears to have been that the accused lawyer had represented a politically sensitive defendant, or had friends, colleagues or relatives under suspicion by the Turkish authorities. The convictions and sentences are part of an ongoing campaign of widespread and systematic persecution of lawyers in Turkey, to prevent voices of dissent from being



Protestors calling for freeing HRDs
Photo by The Nation

heard and critics from having legal representation. LRWC wrote [a letter dated 11 September 2018](#) (Brian Samuels, Gail Davidson) calling for the immediate release of the 21 lawyers and the cessation of the systematic campaign to punish lawyers with loss of liberty for representing defendants unpopular with the Government and expressing or exposing criticism of state practices. Since July 2016, 572 lawyers have been jailed.

UN HUMAN RIGHTS COUNCIL PARTICIPATION

39TH SESSION OF THE UN HUMAN RIGHTS COUNCIL, 10-28 SEPTEMBER 2018

LRWC Members attending the 39th Session of the UN Human Rights Council (HRC)

Three LRWC representatives attended the September session of the HRC: Catherine Morris and Paul Scambler Q.C., based in Victoria, BC, Canada, attended from 19 to 27 September and Felix Agbor Nkongho, based in Buea, Cameroon, attended from 17 to 21 September. LRWC filed two written statements for consideration at this session and presented the eight oral statements listed below. To view each LRWC statement and the country's response follow the video links below. In addition to the oral statements listed below, Paul Scambler delivered oral statements for Lawyers for Lawyers.

LRWC representatives participated in side events and attended meetings with representatives of states and NGOs on issues of concern in Cameroon, Yemen, Cambodia, Canada, Turkey, Saudi Arabia and Honduras. Felix Agbor Nkongho, Cameroon barrister and founder of the Centre for Human Rights and Democracy in Africa, was a speaker at the side event about the humanitarian crisis in Cameroon co-sponsored by the International Service for Human Rights, the International Federation for Human Rights and others. For more information about the Anglophone crisis in Cameroon see the [TRT World](#) and [Sky News interviews](#) with Felix Agbor Nkongho. A more detailed report of the 39th session of the HRC, including resolutions passed, will be in the October-November newsletter.



Oral Statements

LRWC presented eight oral statements during the 39th session.

- **Canada:** *Rights of Indigenous Peoples and Victims of Abuses by Canadian Corporations Abroad*. This [LRWC statement](#) (Gail Davidson, Catherine Morris) was presented to the HRC by Paul Scambler Q.C. on 20 September. This statement was a follow-up of the [report](#) by LRWC and Lawyers Without Borders Canada submitted for the 3rd Universal Periodic Review of Canada. Video available [here](#).
- **Cambodia:** *Marked Regression of Civil and Political Rights in Cambodia*. This [LRWC statement](#) (Catherine Morris) was presented to the HRC by Catherine Morris on 26 September. Video available [here](#).
- **Cameroon:** *Humanitarian crisis for Anglophones facing persistent discrimination and inequality*. This [LRWC statement](#) (Robert Lapper Q.C., Felix Agbor Nkongho, Gail Davidson) was presented to the HRC by Felix Agbor Nkongho on 20 September. Video available [here](#).
- **Colombia:** *Protection of Human Rights Lawyers and Defenders*. This [joint statement](#) of Lawyers for Lawyers (L4L) and LRWC (Gail Davidson) was presented to the HRC by Paul Scambler Q.C. on 21 September. Video available [here](#).
- **Myanmar:** *Investigate and Prosecute Military Officials for Genocide, Crimes Against Humanity and War Crimes*. This [LRWC statement](#) (Gail Davidson, Catherine Morris) was presented to the HRC by Felix Agbor Nkongho on 18 September. Video available [here](#).
- **Saudi Arabia and China:** *Continued Widespread, Systematic, and Grave Human Rights Violations in Saudi Arabia and China*. This [LRWC statement](#) (Gail Davidson, Catherine Morris) was presented to the HRC by Catherine Morris on 19 September. Video available [here](#).
- **UNHRC:** *LRWC Urges UNHRC to Institute Specific Protocols to protect civil society throughout the UPR*. This LRWC statement (Catherine Morris) was presented by Catherine Morris on 20 September. Video available [here](#).
- **Yemen:** *Investigate Violations of International Human Rights and Humanitarian Law in Yemen*. This LRWC statement (Gail Davidson, Catherine Morris) was presented to the HRC by Catherine Morris on 26 September. Video available [here](#).

Written Statements

LRWC filed two written statements for consideration at the 39th session.

- **Saudi Arabia:** *Persistent gross, widespread and systematic violations of human rights while a member of the Human Rights Council*. Joint written statement by LRWC and the Gulf Centre for Human Rights (GCHR) prepared by Catherine Morris and Gail Davidson, 22 August 2018.
- **Turkey:** *Lawyers and human rights defenders in Turkey: Continued violation of non-derogable rights after lifting of State of Emergency*. Joint written statement by LRWC, Lawyers for Lawyers (L4L) and the Law Society of England and Wales prepared by Catherine Morris and Gail Davidson, 22 August 2018.



LRWC WORKING IN COOPERATION WITH OTHERS

During August-September, LRWC worked with approximately 148 NGOs around the world, including:

The Gulf Centre for Human Rights, Lawyers for Lawyers, Law Society of England and Wales, The Bar Council of England and Wales, The Bar Human Rights Committee of England and Wales, International Civil Liberties Monitoring Group, International Bar Association Human Rights Institute, International Service for Human Rights, International Federation for Human Rights, Law Society of Ontario Human Rights Monitoring Group, Christian Solidarity Worldwide, Concerned Scholars for Xinjiang, Human Rights in China, International Campaign for Tibet, International Service for Human Rights, International Tibet Network Secretariat, Tibet Justice Centre, Students for a Free Tibet, World Uyghur Congress and 129 NGOs who endorsed the Joint Statement on the Nabeel Rajab case.

MEMBERS WORKING PRO BONO DURING AUG-SEPT 2018

Temisan Boyo, Paul Copeland, Gail Davidson, Joey Doyle, Maya Duvage, Pearl Eliadis, Sebastian Ennis, Joe Hoffer, Joshua Lam, Robert Lapper Q.C., Gavin Magrath, Catherine Morris, Renée Mulligan, Felix Agbor Nkongho, Tina Parbhakar, Brian Samuels, Paul Scambler Q.C., Peggy Stanier, David F. Sutherland Q.C., Luiza Teixeira, Melissa Tessler, Grace Woo. Computer maintenance and repair was donated by Stephen Schramm of Strategic Network Systems Inc.

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