



Law Society
of Ontario

Barreau
de l'Ontario

Tab 5

Report of the Equity and Indigenous Affairs Committee

Reports for Decision and Information

Committee Members:

Dianne Corbiere (Chair)

Isfahan Merali (Vice-Chair)

Robert Burd

Gisèle Chrétien

Robert Evans

Julian Falconer

Avvy Go

Marian Lippa

Gina Papageorgiou

Andrew Spurgeon

Sidney Troister

Tanya Walker

Prepared by: Ekuu Quansah, Equity Initiatives

October 25, 2018



Report of the Equity and Indigenous Affairs Committee

Table of Contents

FOR DECISION

Human Rights Monitoring Group: Requests for Intervention [TAB 5.1](#)

FOR INFORMATION

Equity Legal Education and Rule of Law Series Calendar [TAB 5.2](#)

Tab 5.1

FOR DECISION

Human Rights Monitoring Group: Requests for Intervention

Motion

That Convocation approve the letter and public statements in the following cases:

- a. The murder of lawyer Benjamin Ramos and 33 other lawyers – The Philippines – letters of intervention and public statement presented at [TAB 5.1.1](#).
- b. The arrest, charges, sentencing and abuse of lawyer Mikhail Benyash – Russia – letters of intervention and public statement presented at [TAB 5.1.2](#).
- c. The forced disappearance of lawyers Ezzat Ghoniem and Azzoz Mahgoub – Egypt – letters of intervention and public statement presented at [TAB 5.1.3](#).

Rationale

The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to:

- a. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. review information that comes to its attention about human rights violations that target human rights defenders in the same event or circumstances as a member of the legal profession or the judiciary as described in a) above;
- c. determine if the matter is one that requires a response from the Law Society; and
- d. prepare a response for review and approval by Convocation.

Key Issues and Considerations

The Monitoring Group considered the following factors when making a decision about the letters and public statements above:

- a. there are no concerns about the quality of sources used for this report; and
- b. the letters and public statements above fall within the mandate of the Monitoring Group.

Key Background

The Philippines – The murder of lawyer Benjamin Ramos and 33 other lawyers

Sources of Information

The background information for this report was retrieved from the following sources:

- a. Aljazeera;¹
- b. American Bar Association (ABA) Journal;²
- c. Amnesty International Canada;³
- d. CCBE;^{4,5}
- e. CNN Philippines;⁶
- f. Democracy Now;⁷
- g. Human Rights Watch;⁸
- h. IAPL;⁹

¹ 34 lawyers killed since Duterte became president: lawyers' group, Aljazeera, online:

<<https://www.aljazeera.com/news/2018/11/philippines-human-rights-lawyer-shot-dead-negros-island-181107072451909.html>> [Aljazeera Ramos].

² Philippines human rights attorney is 34th lawyer killed since Duterte became president, ABA Journal, online: <http://www.abajournal.com/news/article/philippines_human_rights_attorney_benjamin_ramos> [ABA Ramos].

³ The killing of a human rights lawyer a new low for Philippines, Amnesty International Canada, 7 November 2018, online: <<https://www.amnesty.ca/news/killing-human-rights-lawyer-new-low-philippines>> [Amnesty Ramos].

⁴ Re: Situation of lawyers in the Philippines, Council of Bars and Law Societies of Europe, October 1, 2018, online: <https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Philippines_-_Philippines/2018/EN_HRL_20181001_Philippines_Situation-of-lawyers-in-the-Philippines.pdf> [CCBE Philippines].

⁵ Re: Murder of lawyer Benjamin Ramos, Council of Bars and Law Societies of Europe, November 14, 2018, online: <https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Philippines_-_Philippines/2018/EN_HRL_20181114_Philippines_Murder-of-lawyer-Benjamin-Ramos.pdf> [CCBE Ramos].

⁶ Human rights lawyer, founding member of NUPL killed, CNN Philippines, online: <<http://cnnphilippines.com/news/2018/11/07/Founding-member-of-NUPL-killed-Negros-Occidental.html>> [CNN Ramos].

⁷ Philippines: Lawyer Fighting Duterte's Drug War Shot Dead, Democracy Now, 8 November 2018, online: <https://www.democracynow.org/2018/11/8/headlines/philippines_lawyer_fighting_dutertes_drug_war_shot_dead> [Democracy Now Ramos].

⁸ Another Rights Lawyer Murdered in the Philippines, Human Rights Watch, online: <<https://www.hrw.org/news/2018/11/07/another-rights-lawyer-murdered-philippines>> [HRW Ramos].

⁹ The Philippines: NUPL lawyer is 34th killed under Duterte administration, IAPL, online: <<https://defendlawyers.wordpress.com/tag/the-philippines/>> [IAPL Ramos].

- i. IBON;¹⁰
- j. National Union of Peoples' Lawyers (NUPL);¹¹
- k. The New York Times;¹²
- l. The Observatory for the Protection of Human Rights Defenders;¹³
- m. Republic of the Philippines, Philippine News Agency;¹⁴
- n. Toronto Star.¹⁵

Background

According to reports, 34 lawyers have been killed in the Philippines since President Rodrigo Duterte began his presidency in June 2016. Reports indicate that Benjamin Ramos was the 34th lawyer killed in the Philippines since President Duterte entered his office two years ago.¹⁶ Reports further identify the following six lawyers who were recently shot and killed as a result of exercising their professional duties: Mia Manuelita Mascarinas-Green on February 16, 2017 (**TAB 5.1.1.1**); Jonah John Ungab on February 19, 2018; Joey Galit on June 21, 2018; Rafael Atotubo on August 23, 2018; Connie Del Rio Villamor on September 24 2018; and Edeljulio Romero on September 28, 2018.¹⁷

It is reported that President Duterte, in a speech at the 19th Founding Anniversary of the Volunteers Against Crime and Corruption in Manila on August 16, 2017, told the national police

¹⁰ Large landholdings amid peasant landlessness, IBON, online: <<http://ibon.org/2017/11/large-landholdings-amid-peasant-landlessness/>> [IBON Ramos].

¹¹ Press Statement, 7 November 2018, "Who will defend the Defenders?" National Union of Peoples' Lawyers (NUPL), online: <<https://www.facebook.com/nuplphilippines/posts/10156006878503683>> [NUPL Ramos].

¹² Philippine lawyer who resisted Duterte's drug war is gunned down, The New York Times, 7 November 2018, online: <<https://www.nytimes.com/2018/11/07/world/asia/philippine-lawyer-duterte.html>> [NYT Ramos].

¹³ Philippines: Killing of human rights lawyer Benjamin Ramos, The Observatory for the Protection of Human Rights Defenders, online: <<https://www.fidh.org/en/issues/human-rights-defenders/philippines-killing-of-human-rights-lawyer-benjamin-ramos>> [Observatory Ramos].

¹⁴ Police assures thorough probe of Negrense lawyer's slay, Republic of the Philippines, Philippine News Agency, online: <<http://www.pna.gov.ph/articles/1053231>> [PNA Ramos].

¹⁵ 34th Filipino lawyer who resisted President Duterte's drug war is gunned down, online: Nov 7, 2018, Toronto Star <<https://www.thestar.com/news/world/2018/11/07/34th-philippine-lawyer-who-resisted-president-dutertes-drug-war-is-gunned-down.html>> [Toronto Star Ramos].

¹⁶ ABA Ramos, *supra* note 2; Amnesty Ramos, *supra* note 3; CNN Ramos, *supra* note 6; Democracy Now Ramos, *supra* note 7; HRW Ramos, *supra* note 8; IAPL Ramos, *supra* note 9; NUPL Ramos, *supra* note 11; NYT Ramos, *supra* note 12; Toronto Star Ramos, *supra* note 15.

¹⁷ CCBE Philippines, *supra* note 4.

not to be intimidated by human rights lawyers who were conducting investigations in the thousands of deaths of individuals he referred to as “drug addicts and dealers”.¹⁸ The President also instructed police to shoot lawyers if they are obstructing justice.¹⁹

On November 6, 2018, Benjamin Ramos was reportedly shot and killed in Negros Occidental by two unidentified gunmen on a motorcycle. The shooting took place as he left his office in the evening.²⁰ Benjamin Ramos was shot three times and declared dead on arrival at the hospital.²¹ Benjamin Ramos was a human rights lawyer and founding member of the National Union of Peoples’ Lawyers (NULP). The NULP is at the forefront of the opposition to President Rodrigo Duterte’s war on drugs and it specializes in pro-bono work for low-income clients whose families have been targeted by the state.²²

Before he was murdered, Benjamin Ramos represented the families of nine farmers who were killed in the central city of Sagay after a protest on a sugarcane plantation on October 20, 2018.²³ This protest was one of many by farmers who advocate against landlessness in the country. This landlessness is a result of failed land reform programs that have prevented the farmers from owning the land on which they cultivate their crops; much of the land in the Philippines is owned by large landholdings – which includes wealthy families and corporations – and, as a result, a monopoly over the natural resources on that land is extended to the landowners, not the farmers.²⁴ Reports further indicate that attacks against farmers and those who represent them demonstrate the deadly outcomes of decades-long land disputes and injustices.²⁵

According to the NUPL, Benjamin Ramos’ work angered the local police and the military who recently included his photo on a list of people accused of having ties to an underground communist movement.²⁶

¹⁸ NYT Ramos, *supra* note 12; Toronto Star Ramos, *supra* note 15.

¹⁹ ABA Ramos, *supra* note 2; Democracy Now Ramos, *supra* note 7; NYT Ramos, *supra* note 12; Toronto Star Ramos, *supra* note 15.

²⁰ ABA Ramos, *supra* note 2; CNN Ramos, *supra* note 6; HRW Ramos, *supra* note 8; IAPL Ramos, *supra* note 9; NUPL Ramos, *supra* note 11; NYT Ramos, *supra* note 12; Observatory Ramos, *supra* note 13; Toronto Star Ramos, *supra* note 15.

²¹ Aljazeera Ramos, *supra* note 1; IAPL Ramos, *supra* note 9; NUPL Ramos, *supra* note 11; NYT Ramos, *supra* note 12; Observatory Ramos, *supra* note 13; Toronto Star Ramos, *supra* note 15.

²² ABA Ramos, *supra* note 2; Amnesty Ramos, *supra* note 3; Democracy Now Ramos, *supra* note 7; NYT Ramos, *supra* note 12; Observatory Ramos, *supra* note 13; Toronto Star Ramos, *supra* note 14.

²³ ABA Ramos, *supra* note 2; Amnesty Ramos, *supra* note 3; HRW Ramos, *supra* note 8; NYT Ramos, *supra* note 12; Observatory Ramos, *supra* note 13.

²⁴ IBON Ramos, *supra* note 9.

²⁵ HRW Ramos, *supra* note 8.

²⁶ ABA Ramos, *supra* note 2; NYT Ramos, *supra* note 12; Toronto Star Ramos, *supra* note 15.

President Duterte expressed his condolences to Benjamin Ramos' family through a statement provided by Presidential Spokesperson Salvador Panelo, and committed to a full and thorough investigation into this murder.²⁷ The National Bureau of Investigation has begun its investigation and the Philippine National Police has also ordered an immediate investigation into this murder.²⁸

Russia – Arrest, charges, sentencing and abuse of lawyer Mikhail Benyash

Sources of Information

The background information for this report was retrieved from the following sources:

- a. Amnesty International;²⁹
- b. Council of Bars and Law Societies of Europe (CCBE);³⁰
- c. Front Line Defenders;³¹
- d. Human Rights Watch Canada;³² and
- e. International Commission of Jurists.³³

Background

Mikhail Benyash is a defence lawyer who has been providing legal assistance to participants of peaceful protests. These peaceful protests were not officially approved by the government and were unsanctioned. Mikhail Benyash also attended a number of protests as an observer to monitor and prevent police brutality.

²⁷ CNN Ramos, *supra* note 6.

²⁸ Aljazeera Ramos, *supra* note 1; CNN Ramos, *supra* note 6; PNA Ramos, *supra* note 14.

²⁹ Urgent Action: Lawyer Assaulted and Arbitrarily Detained, Amnesty International, online: <<https://www.amnesty.org/download/Documents/EUR4690692018ENGLISH.pdf>> [Amnesty Benyashi Urgent Action].

³⁰ Re: Assault and arrest of lawyer Mikhail Benyash, Council of Bars and Law Societies of Europe, October 23, 2018, online:

<https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Russia_-_Russie/2018/EN_HRL_20181023_Russia_Assault-and-arrest-of-lawyer-Mikhail-Benyash.pdf> [CCBE Benyash Letter].

³¹ Judicial Harassment of Mikhail Benyash, Front Line Defenders, online:

<<https://www.frontlinedefenders.org/en/case/judicial-harassment-mikhail-benyash>> [FLD Benyash].

³² Russia: Defense Lawyer Arrested, Beaten, Human Rights Watch Canada, online:

<<https://www.hrw.org/news/2018/10/04/russia-defense-lawyer-arrested-beaten>> [HRWC Benyash].

³³ Russian Federation: criminal proceedings against lawyer raise concerns, International Commission of Jurists, online: <<https://www.icj.org/wp-content/uploads/2018/10/Russia-Statement-on-Benyash-News-Web-Story-2018-ENG.pdf>> [ICJ Benyash].

On September 9, 2018, Mikhail Benyash was arrested for providing legal assistance to protesters of pension reform in Krasnodar.³⁴ Mikhail Benyash was detained by police for allegedly violating the rules for the organization of public protests, but according to information received, the police officers who arrested Mikhail Benyash did not reveal their identity nor did they explain why he was being arrested.³⁵

Mikhail Benyash and his client, Irina Barkhatova, were reportedly walking down the street when two men in plain clothes jumped out of an unmarked car.³⁶ It is reported that the police took Mikhail Benyash's phone from his hands as he attempted to record the encounter.³⁷ It is also reported that the police hit him repeatedly and violently choked him as they forced him into the police car and again at the police station, which resulted in multiple injuries and bruises on his head.³⁸ Officers reportedly hit Mikhail Benyash's head against the car seat before they handcuffed him, and at the police station, officers pushed him out of the car and he fell face down on the asphalt.³⁹ Mikhail Benyash was reportedly dragged into the police station and held incommunicado for approximately eight hours.⁴⁰ Inside the police station, reports indicate that an officer hit Mikhail Benyash several times and pushed him, and as a result of being pushed, he hit his head against a metal safe. Mikhail Benyash was diagnosed with bilateral otitis and/or bilateral pneumonia following the assault.⁴¹

Mikhail Benyash was found guilty of "resisting the police's legitimate orders," under Article 19.3 of the *Russian Code of Administrative Offenses*, and the Leninsky court of Krasnodar city sentenced him to 14 days of "administrative detention" and 40 hours of mandatory work.⁴²

On September 28, 2018, the same court extended Mikhail Benyash's detention to two months, in relation to criminal charges that were brought against him for obstruction of justice in a previous matter where he was representing a client, and for violence against a representative of the authority following his September 9 arrest.⁴³ According to information received, there is

³⁴ Amnesty Benyashi Urgent Action, *supra* note 29; CCBE Benyash Letter, *supra* note 30; FLD Benyash, *supra* note 31.

³⁵ Amnesty Benyashi Urgent Action, *supra* note 29; CCBE Benyash Letter, *supra* note 30; HRWC Benyash, *supra* note 32.

³⁶ HRWC Benyash, *supra* note 4.

³⁷ CCBE Benyash Letter, *supra* note 30; FLD Benyash, *supra* note 31.

³⁸ Amnesty Benyashi Urgent Action, *supra* note 29; CCBE Benyash Letter, *supra* note 30.

³⁹ FLD Benyash, *supra* note 31; HRWC Benyash, *supra* note 32.

⁴⁰ FLD Benyash, *supra* note 31; HRWC Benyash, *supra* note 32.

⁴¹ FLD Benyash, *supra* note 31; ICJ Benyash *supra* note 33.

⁴² CCBE Benyash Letter, *supra* note 30; FLD Benyash, *supra* note 31; HRWC Benyash, *supra* note 32

⁴³ CCBE Benyash Letter, *supra* note 30; HRWC Benyash, *supra* note 32; ICJ Benyash *supra* note 33.

no information about Mr. Benyash engaging in violent activity against the police in the administrative arrest report.⁴⁴

Reports indicate that on October 10, 2018, Mikhail Benyash lost his appeal of his sentence flowing from the administrative charges.

However, on October 23, 2018, the Krasnodar Regional Court overturned the two-month detention order and ordered his release.⁴⁵ Reports further indicate that multiple criminal charges are still pending against Mikhail Benyash.

Egypt – Forced Disappearance of Lawyers Ezzat Ghoniem and Azzoz Mahgoub

Sources of Information

The background information for this report was retrieved from the following sources:

- a. Amnesty International;⁴⁶
- b. CCBE;⁴⁷
- c. Human Rights Watch Canada;⁴⁸
- d. Law Society of Ontario,⁴⁹ and

⁴⁴ CCBE Benyash Letter, *supra* note 30; FLD Benyash, *supra* note 31; ICJ Benyash *supra* note 33.

⁴⁵ CCBE Benyash Letter, *supra* note 30; FLD Benyash, *supra* note 31.

⁴⁶ Urgent Action: Whereabouts of human rights lawyers unknown, Amnesty International, online: <<https://www.amnesty.org/download/Documents/MDE1291472018ENGLISH.pdf>> [Amnesty Ghoniem Urgent Action].

⁴⁷ Re: Disappearance of lawyers Ezzat Ghoniem, Azzoz Mahgoub and Mustafa Hamdi, Council of Bars and Law Societies of Europe, October 23, 2018, online: <https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Egypt_-_Egypte/2018/EN_HRL_20181023_Egypt_Disappearance-of-lawyers-Ezzat-Ghoniem-Azzoz-Mahgoub-and-Mustafa-Hamdi.pdf> [CCBE Ghoniem Letter].

⁴⁸ Egypt: Enforced Disappearance of Prominent Rights Defender, Human Rights Watch Canada, online: <<https://www.hrw.org/news/2018/10/03/egypt-enforced-disappearance-prominent-rights-defender>> [HRW Ghoniem].

⁴⁹ Letter Re: Concerns regarding the disappearance and detention of lawyer Ezzat Ghonim, April 2018. https://lawsocietyontario.azureedge.net/media/lso/media/legacy/pdf/e/egypt-ezzat_ghonim.pdf [Law Society Ghoniem]

- e. International Association of People's Lawyers (IAPL) Monitoring Committee on Attack on Lawyers.⁵⁰

Background

Ezzat Ghoniem is a prominent human rights lawyer and the co-founder Director of the non-governmental organization the Egyptian Coordination for Rights and Freedoms.⁵¹ Azzoz Mahgoub is a human rights lawyer who works at the same organization. The Egyptian Coordination for Rights and Freedoms has been critical of the Egyptian government's human rights record, and has campaigned to end many types of human rights abuses by the Egyptian government including the government's use of the death penalty, torture and enforced disappearances.

The Law Society has recently intervened on Ezzat Ghoniem's behalf after he was forcibly disappeared in March.⁵² We have expressed our concerns in a letter to His Excellency Abdel Fattah el-Sisi dated April 26, 2018 (**TAB 5.1.3.1**). Ezzat Ghoniem has been held in custody since March 2018.⁵³

On September 4, a judge ordered that Ezzat Ghoniem and Azzoz Mahgoub be released on probation pending an investigation into their case.⁵⁴ Ezzat Ghoniem and Azzoz Mahgoub were then moved to two different police stations in Haram and Imbaba—part of the Greater Cairo Area—where they were to be held until their release.⁵⁵ Their families visited them regularly.⁵⁶ On September 14, when their families each went to visit them, the families were informed that Ghoniem and Mahgoub had already been released.⁵⁷ However, the families and lawyers of Ghoniem and Mahgoub have stated that they do not know their whereabouts.⁵⁸

Both Ezzat Ghoniem and Azzoz Mahgoub are believed to have been forcibly disappeared and to be at great risk of torture.⁵⁹ Their families are also concerned that if they remain forcibly

⁵⁰ Egypt: Human Rights lawyer Ezzat Ghoniem missing for 16 days despite court release, IAPL Monitoring Committee on Attacks on Lawyers, online: <<https://defendlawyers.wordpress.com/2018/09/22/egypt-human-rights-lawyer-ezzat-ghoneim-missing-for-16-days-despite-court-release/>> [IAPL Ghoniem].

⁵¹ Amnesty Ghoniem Urgent Action, *supra* note 46.

⁵² Law Society Ghoniem, *supra* note 49.

⁵³ HRW Ghoniem, *supra* note 48.

⁵⁴ Amnesty Ghoniem Urgent Action, *supra* note 46.

⁵⁵ Amnesty Ghoniem Urgent Action, *supra* note 46; CCBE Ghoniem Letter *supra* note 47.

⁵⁶ IAPL Ghoniem, *supra* note 50.

⁵⁷ Amnesty Ghoniem Urgent Action, *supra* note 46; IAPL Ghoniem, *supra* note 50.

⁵⁸ Amnesty Ghoniem Urgent Action, *supra* note 46.

⁵⁹ Amnesty Ghoniem Urgent Action, *supra* note 46; HRW Ghoniem *supra* note 48.

disappeared until their next hearing, a judge may order their detention as they will be deemed to have breached their probation terms.⁶⁰

⁶⁰ Amnesty Ghoniem Urgent Action, *supra* note 46.

TAB 5.1.1

**Proposed Letters of Intervention and Public Statement
Lawyer Benjamin Ramos and 33 other lawyers**

President Rodrigo Duterte
Malacañang Complex
J.P. Laurel Street
San Miguel, Manila
1005
The Philippines

Your Excellency:

Re: The murder of lawyer Benjamin Ramos and 33 other lawyers in the Philippines

I write on behalf of the Law Society of Ontario* to voice our grave concern over the murder of lawyer Benjamin Ramos and 33 other lawyers in the Philippines. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

According to reports, 34 lawyers have been killed in the Philippines since you began your presidency in June 2016. Reports indicate that Benjamin Ramos was the 34th lawyer killed during your presidency, and reports further identify the following six lawyers who were recently shot and killed as a result of exercising their professional duties: Mia Manuelita Mascarinas-Green on February 16, 2017 (for whom the Law Society has previously intervened in a letter attached, for your ease of reference); Jonah John Ungab on February 19, 2018; Joey Galit on June 21, 2018; Rafael Atotubo on August 23, 2018; Connie Del Rio Villamor on September 24 2018; and Edeljulio Romero on September 28, 2018.

During your speech at the 19th Founding Anniversary of the Volunteers Against Crime and Corruption in Manilla on August 16, 2017, you instructed the national police to not be intimidated by human rights lawyers who were conducting investigations in the thousands of deaths of individuals that you referred to as “drug addicts and dealers”. According to reports, you also instructed police to shoot lawyers if they are obstructing justice. Lawyers are being harassed, threatened and killed at alarming rates, and we implore you to publicly denounce these activities and to take immediate steps to ensure that lawyers can safely perform their legitimate professional duties.

As mentioned earlier in this letter, Benjamin Ramos was the lawyer most recently killed in the Philippines. Benjamin Ramos was a human rights lawyer and founding member of the National Union of Peoples' Lawyers (NULP). The NULP specializes in pro-bono work for low-income clients whose families have been targeted by the state.

On November 6, 2018, Benjamin Ramos was reportedly shot and killed in Negros Occidental by two unidentified gunmen on a motorcycle. The shooting took place as he left his office in the evening. Benjamin Ramos was shot three times and declared dead on arrival at the hospital.

Before he was murdered, Benjamin Ramos represented the families of nine farmers. The farmers were killed in the central city of Sagay after a protest on a sugarcane plantation on October 20, 2018. This protest was one of many by farmers who advocate against landlessness in the country. Benjamin Ramos' death demonstrates the deadly outcomes of decades-long land disputes and injustices.

According to the NUPL, Benjamin Ramos' work angered the local police and the military who recently included his photo on a list of people accused of having ties to an underground communist movement.

We understand that you have expressed your condolences to Benjamin Ramos' family through a statement provided by Presidential Spokesperson Salvador Panelo, and committed to a full and thorough investigation into his murder. We also understand that the National Bureau of Investigation has begun its investigation and the Philippine National Police has also ordered an immediate investigation into this murder. However, the Law Society is troubled by the Benjamin Ramos' situation and situation of lawyers in the Philippines. We urge Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers* and *Universal Declaration of Human Rights*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

The Law Society urges the Government of the Philippines to:

- a. immediately conduct a fair, impartial and independent investigation into the murder of Benjamin Ramos and the many other attacks against lawyers in the Philippines, including the deaths of 33 other lawyers, in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of harassment against all other human rights lawyers and defenders in the Philippines;
- c. ensure that all lawyers in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence, death or other human rights violations; and

- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Malcolm M. Mercer
Treasurer

**The Law Society of Ontario is the governing body for more than 53,000 lawyers and 8,500 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Her Excellency Petronila P. Garcia
Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario
K1N 5M4
Fax: +1 613.233.4165
Email: embassyofphilippines@rogers.com

His Excellency John Holmes
Ambassador
Embassy of Canada in the Philippines
P.O. Box 2168
Makati Central Post Office
Philippines 1261

Abdiel Dan Elijah S. Fajardo, National President
Integrated Bar of the Philippines

IBP Building, No.15 Doña Julia Vargas Avenue
Ortigas Center, Pasig City, Philippines 1600
Fax: +63 (02) 634-4697
Email: ibp_national@yahoo.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: The murder of lawyer Benjamin Ramos and 33 other lawyers in the Philippines

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Ontario sent the attached letter to President Rodrigo Duterte, the President of the Philippines, expressing our deep concern over reports of murder of lawyer Benjamin Ramos and 33 other lawyers in the Philippines.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Laura Wilson-Lewis, Associate Counsel, Equity Initiatives, The Law Society of Ontario, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to lwilson@lso.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Ontario is the governing body for more than 53,000 lawyers and 8,500 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Public Statement
Lawyer Benjamin Ramos and 33 other lawyers

The Law Society of Ontario expresses grave concern about the murder of lawyer Benjamin Ramos and 33 other lawyers in the Philippines

Toronto, ON — The Law Society of Ontario expresses grave concern about the murder of lawyer Benjamin Ramos and 33 other lawyers in the Philippines.

According to reports, 34 lawyers have been killed in the Philippines since President Rodrigo Duterte began his presidency in June 2016. Reports indicate that Benjamin Ramos was the 34th lawyer killed during his presidency, and reports further identify the following six lawyers who were recently shot and killed as a result of exercising their professional duties: Mia Manuelita Mascarinas-Green on February 16, 2017 (for whom the Law Society has previously intervened in a letter attached, for your ease of reference); Jonah John Ungab on February 19, 2018; Joey Galit on June 21, 2018; Rafael Atotubo on August 23, 2018; Connie Del Rio Villamor on September 24 2018; and Edeljulio Romero on September 28, 2018.

During a speech at the 19th Founding Anniversary of the Volunteers Against Crime and Corruption in Manilla on August 16, 2017, President Duterte instructed the national police to not be intimidated by human rights lawyers who were conducting investigations in the thousands of deaths of individuals that you referred to as “drug addicts and dealers”. According to reports, the President also instructed police to shoot lawyers if they are obstructing justice. Lawyers are being harassed, threatened and killed at alarming rates, and we implore President Duterte to publicly denounce these activities and to take immediate steps to ensure that lawyers can safely perform their legitimate professional duties.

As mentioned earlier, Benjamin Ramos was the lawyer most recently killed in the Philippines. Benjamin Ramos was a human rights lawyer and founding member of the National Union of Peoples’ Lawyers (NULP). The NULP specializes in pro-bono work for low-income clients whose families have been targeted by the state.

On November 6, 2018, Benjamin Ramos was reportedly shot and killed in Negros Occidental by two unidentified gunmen on a motorcycle. The shooting took place as he left his office in the evening. Benjamin Ramos was shot three times and declared dead on arrival at the hospital.

Before he was murdered, Benjamin Ramos represented the families of nine farmers who were killed in the central city of Sagay after a protest on a sugarcane plantation on October 20, 2018. This protest was one of many by farmers who advocate against landlessness in the country and Benjamin Ramos' death demonstrates the deadly outcomes of decades-long land disputes and injustices.

According to the NUPL, Benjamin Ramos' work angered the local police and the military who recently included his photo on a list of people accused of having ties to an underground communist movement.

We understand that President Duterte has expressed his condolences to Benjamin Ramos' family through a statement provided by Presidential Spokesperson Salvador Panelo, and committed to a full and thorough investigation into his murder. We also understand that the National Bureau of Investigation has begun its investigation and the Philippine National Police has also ordered an immediate investigation into this murder. However, the Law Society is troubled by the Benjamin Ramos' situation and situation of lawyers in the Philippines. We urge His Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers* and *Universal Declaration of Human Rights*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

The Law Society urges the Government of the Philippines to:

- a. immediately conduct a fair, impartial and independent investigation into the murder of Benjamin Ramos and the many other attacks against lawyers in the Philippines, including the deaths of 33 other lawyers, in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of harassment against all other human rights lawyers and defenders in the Philippines;
- e. ensure that all lawyers in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence, death or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 5.1.1.1



May 10, 2017

H.E. Mr. Rodrigo Duterte
President of the Republic of the Philippines
Malcañang Palace
J.P. Laurel Street, San Miguel
NRC 1005, Manila
The Philippines

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

Your Excellency:

Re: Murder of lawyer Mia Mascariñas-Green

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Mia Mascariñas-Green. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Mia Mascariñas-Green was a public interest lawyer who was known for her work and advocacy on behalf of women, children, farmers, fisherfolk and the environment. She often took on cases and represented clients pro bono.

The Law Society's information states that on February 15, 2017, Mia Mascariñas-Green was gunned down by four men on motorcycles while driving home with her three children and a nanny. Although her children and their nanny were unharmed, Mia Mascariñas-Green was pronounced dead at the hospital.

Police believe that the assassination is tied to Mia Mascariñas-Green's legal work, as she was working on a contentious land dispute case at the time of her death.

The Law Society is deeply troubled by these reports. We strongly believe that lawyers should be able to carry out their professional duties and activities without fear for their lives, liberty and security.

The Law Society of Upper Canada urges Your Excellency to comply with the Philippines' obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of the Philippines to:

- a. immediately conduct a fair, impartial and independent investigation into the murder of Mia Mascariñas-Green in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. put an end to all acts of harassment and violence against lawyers and human rights defenders in the Philippines;
- c. guarantee in all circumstances the physical and psychological integrity of all lawyers and human rights defenders in the Philippines;

- d. ensure that all lawyers in the Philippines can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Her Excellency Petronila P. Garcia
Ambassador
Embassy of the Republic of the Philippines in Ottawa
30 Murray Street
Ottawa, Ontario
K1N 5M4
Fax: +1 613.233.4165
Email: embassyofphilippines@rogers.com

Rosario T. Setias-Reyes, National President
Integrated Bar of the Philippines
IBP Building, No.15 Doña Julia Vargas Avenue
Ortigas Center, Pasig City, Philippines 1600
Fax: +63 (02) 634-4697
Email: ibp_national@yahoo.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights
Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

TAB 5.1.2

Proposed Letters of Intervention and Public Statement - Lawyer Mikhail Benyash

H.E. President Vladimir Putin
President of the Russian Federation
Office of the President of the Russian Federation
23 Ilyinka Street
Moscow, 103132, Russia

Your Excellency:

Re: Assault, arrest and charges against lawyer Mikhail Benyash

I write on behalf of the Law Society of Ontario* to voice our grave concern over the arrest and administrative conviction of lawyer Mikhail Benyash. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Mikhail Benyash is a defence lawyer who has been providing legal assistance to participants of peaceful protests. These peaceful protests were not officially approved by the government and thus were categorized as being unsanctioned. Mikhail Benyash also attended a number of protests as an observer to monitor and prevent police brutality.

On September 9, 2018, Mikhail Benyash was arrested for providing legal assistance to protesters of pension reform in Krasnodar. Mikhail Benyash was detained by police for allegedly violating the rules for the organization of public protests, but according to information received, the police officers who arrested Mikhail Benyash did not reveal their identity nor did they explain why he was being arrested.

Mikhail Benyash and his client, Irina Barkhatova, were reportedly walking down the street when two men in plain clothes jumped out of an unmarked car. It is reported that the police took Mikhail Benyash's phone from his hands as he attempted to record the encounter. It is also reported that police hit him repeatedly and violently choked him as they forced him into the police car and again at the police station, which resulted in multiple injuries and bruises on his head. Officers reportedly hit Mikhail Benyash's head against the car seat before they handcuffed him, and at the police station, officers pushed him out of the car and he fell face down on the asphalt. Mikhail Benyash was reportedly dragged into the police station and held incommunicado for approximately eight hours. Inside the police station, reports indicate that an officer hit Mikhail Benyash several times and pushed him, and as a result of being pushed,

he hit his head against a metal safe. Mikhail Benyash was diagnosed with bilateral otitis/pneumonia following the assault.

Mikhail Benyash was found guilty of “resisting the police’s legitimate orders,” under Article 19.3 of the *Russian Code of Administrative Offenses*, and the Leninsky court of Krasnodar city sentenced him to 14 days of “administrative detention” and 40 hours of mandatory work.

On September 28, 2018, the same court extended Mikhail Benyash’s detention to two months, in relation to criminal charges that were brought against him for obstruction of justice in a previous matter where he was representing a client, and for violence against a representative of the authority following his September 9, 2018 arrest. According to information received, there is no information about Mr. Benyash engaging in violent activity against the police in the administrative arrest report.

Reports indicate that on October 10, 2018, Mikhail Benyash lost his appeal of his sentence flowing from the administrative charges; however, on October 23, 2018, the Krasnodar Regional Court overturned the two-month detention order and ordered his release. Reports further indicate that multiple criminal charges are still pending against Mikhail Benyash.

The Law Society is troubled by Mikhail Benyash’s situation and urges Your Excellency to comply with Russia’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers* and *Universal Declaration of Human Rights*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

Article 9 states:

No one shall be subjected to arbitrary arrest, detention or exile.

The Law Society urges the Government of Russia to:

- a. immediately and unconditionally withdraw all charges against Mikhail Benyash;
- b. immediately conduct a fair, impartial and independent investigation into the assault against Mikhail Benyash in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- c. put an end to all acts of harassment against Mikhail Benyash and all other human rights lawyers and defenders in Russia;
- d. ensure that all lawyers in Russia can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and

- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Malcolm M. Mercer
Treasurer

**The Law Society of Ontario is the governing body for more than 53,000 lawyers and 8,500 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Alexander N. Darchiev
Ambassador Extraordinary and Plenipotentiary of the Russian Federation to Canada
Embassy of the Russian Federation in Ottawa
285 Charlotte Street
Ottawa, Ontario
K1N 8L5
Fax: (613) 236-63-42
Email: info@rusembassy.ca

Federal Chamber of Lawyers of the Russian Federation
43 Sivtzer Vrashek Lane
119002
Moscow
Russian Federation
Tel: +7 495 787 2835
Email: info@advpalata.com

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Assault, arrest and charges against lawyer Mikhail Benyash

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Ontario sent the attached letter to President Vladimir Putin, the President of the Russian Federation, expressing our deep concern over reports of the assault, arrest and charges against of lawyer Mikhail Benyash.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Laura Wilson-Lewis, Associate Counsel, Equity Initiatives, The Law Society of Ontario, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to lwilson@lso.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Ontario is the governing body for more than 53,000 lawyers and 8,500 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

Federal Chamber of Lawyers of the Russian Federation

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Public Statement

Lawyer Mikhail Benyash

The Law Society of Ontario expresses grave concern about the assault, arrest and charges against lawyer Mikhail Benyash

Toronto, ON — The Law Society of Ontario expresses grave concern about the assault, arrest and charges against lawyer Mikhail Benyash.

Mikhail Benyash is a defence lawyer who has been providing legal assistance to participants of peaceful protests that were not officially approved by the government. Mikhail Benyash has also visited a number of protests to monitor and prevent police brutality.

On September 9, 2018, Mikhail Benyash was arrested at a protest against pension reform while providing legal assistance to protesters in Krasnodar. Mikhail Benyash was detained by police for allegedly violating the rules for the organization of public protests, but according to information received, the police officers who arrested Mikhail Benyash did not reveal their identity nor did they explain why he was being arrested.

Mikhail Benyash and his client, Irina Barkhatova, were reported walking down the street when two men in plain clothes jumped out of an unmarked car. It is reported that the police took Mikhail Benyash's phone from his hands as he attempted to record the encounter. It is also reported that police hit him repeatedly and violently choked him as they forced him into the police car and again at the police station, which resulted in multiple injuries and bruises on his head. Officers reportedly hit Mikhail Benyash's head against the car seat before they handcuffed him, and at the police station, officers pushed him out of the car and he fell face down on the asphalt. Mikhail Benyash was reportedly dragged into the police station and held incommunicado for approximately eight hours. Inside the police station, reports indicate that an officer hit Mikhail Benyash several times and pushed him, and as a result of being pushed, he hit his head against a metal safe. Mikhail Benyash was diagnosed with bilateral otitis and/or bilateral pneumonia following the assault.

Mikhail Benyash was found guilty of "resisting the police's legitimate orders," under Article 19.3 of the Russian Code of Administrative Offenses, and the Leninsky court of Krasnodar city sentenced him to 14 days of "administrative detention" and 40 hours of mandatory work. On September 28, 2018, the same court prolonged Mikhail Benyash's detention to two months, in relation to criminal charges that were brought against him for obstruction of justice in a previous matter where he was representing a client, and for violence against a representative

of the authority following his September 9 arrest. According to information received, there is no information about any violence against the police in the administrative arrest report.

Reports indicate that Mikhail Benyash lost his appeal of his sentence flowing his administrative charges on October 10, 2018, but on October 23, 2018, the Krasnodar Regional Court overturned the two-month detention order and ordered his release. Reports further indicate that multiple criminal charges are still pending against Mikhail Benyash.

The Law Society is troubled by Mikhail Benyash's situation and urges Your Excellency to comply with Russia's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers* and *Universal Declaration of Human Rights*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international

organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

Article 3 of the *Universal Declaration of Human Rights* states:

Everyone has the right to life, liberty and security of person.

Article 9 states:

No one shall be subjected to arbitrary arrest, detention or exile.

The Law Society urges the Government of Russia to:

- a. immediately and unconditionally withdraw all charges against Mikhail Benyash;
- b. immediately conduct a fair, impartial and independent investigation into the assault against Mikhail Benyash in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- c. put an end to all acts of harassment against Mikhail Benyash and all other human rights lawyers and defenders in Russia;
- d. ensure that all lawyers in Russia can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 5.1.3

**Proposed Letters of Intervention and Public Statement
Lawyers Ezzat Ghoniem and Azzoz Mahgoub**

H.E. Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abdeen Palace
El-Gomhoreya Square
Rahbet Abdin, Abdeen
Cairo, Egypt

Your Excellency:

Re: The disappearance of Ezzat Ghoniem and Azzoz Mahgoub

I write on behalf of the Law Society of Ontario* to voice our grave concern over the disappearance of lawyers Ezzat Ghoniem and Azzoz Mahgoub. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Ezzat Ghoniem is a prominent human rights lawyer and the Director of the non-governmental organization the Egyptian Coordination for Rights and Freedoms. Azzoz Mahgoub is a human rights lawyer who also works at the Egyptian Coordination for Rights and Freedoms. The Law Society has recently intervened on Ezzat Ghoniem's behalf after he was forcibly disappeared in March. We expressed our concerns in our letter to you dated April 26, 2018, which is enclosed for your ease of reference.

We understand that Ezzat Ghoniem and Azzoz Mahgoub have not been seen since September 14, 2018, and that both were last seen in the custody of Egyptian security forces. On September 4, a court ordered them both to be released on probation pending an investigation into their case. Ezzat Ghoniem and Azzoz Mahgoub were then moved to two different police stations where they were to be held until their release. On September 14, when their families each went to visit them, they were informed that Ghoniem and Mahgoub had already been released. However, the families and lawyers of Ghoniem and Mahgoub have stated that they do not know their whereabouts.

The Law Society of Ontario is deeply troubled by the disappearance of Ezzat Ghoniem and Azzoz Mahgoub and urges Your Excellency to comply with Egypt's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Egypt to:

- a. disclose immediately the physical and psychological condition as well as the whereabouts of Ezzat Ghoniem and Azzoz Mahgoub;
- b. release Ezzat Ghoniem and Azzoz Mahgoub, unconditionally, and ensure that they are returned home;
- c. ensure that Ezzat Ghoniem and Azzoz Mahgoub are not subjected to torture or other ill-treatment, have regular, unrestricted access to family, lawyers of their choice, and medical care;

- d. guarantee in all circumstances the physical and psychological integrity of Ezzat Ghoniem and Azzoz Mahgoub;
- e. guarantee that adequate reparation will be provided to Ezzat Ghoniem and Azzoz Mahgoub if they are found to be victims of human rights abuses;
- f. ensure that all lawyers and judges in Egypt are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Malcom M. Mercer
Treasurer

**The Law Society of Ontario is the governing body for more than 53,000 lawyers and 8,500 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc: Mr. Moataz Mounir Moharram Zahran
Ambassador of the Arab Republic of Egypt
454 Laurier Avenue East
Ottawa, Ontario
K1N 6R3
Fax: +1 (613) 234-9347 / 234-4398
Email: Egyptemb@sympatico.ca

Egyptian Bar Association
49A Ramses Street

Cairo, Egypt
Tel: +20 (2) 45 13 60

The Honourable Chrystia Freeland
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6
Email: chrystia.freeland@parl.gc.ca

The Honourable Jess Dutton, Canadian Ambassador of Canada to the Arab Republic of Egypt, The Embassy of Canada to Egypt

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: The disappearance of Ezzat Ghoniem and Azzoz Mahgoub

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Ontario sent the attached letter to His Excellency Abdel Fattah el-Sisi, the President of the Arab Republic of Egypt, expressing our deep concern over reports of the arrest, detention and charges against lawyer Ezzat Ghoniem.

We would be very interested in hearing from you in regard to the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have misapprehended any of the facts in this case. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Laura Wilson-Lewis, Associate Counsel, Equity Initiatives, The Law Society of Ontario, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to lwilson@lso.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Ontario is the governing body for more than 53,000 lawyers and 8,500 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Judith Lichtenberg, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Roberta Taveri, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Public Statement

Lawyers Ezzat Ghoniem and Azzoz Mahgoub

The Law Society of Ontario expresses grave concern about the disappearance of Ezzat Ghoniem and Azzoz Mahgoub

Toronto, ON — The Law Society of Ontario expresses grave concern over the arrest, detention and charges against lawyer Ezzat Ghoniem. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Ezzat Ghoniem is a prominent human rights lawyer and the Director of the non-governmental organization the Egyptian Coordination for Rights and Freedoms. Azzoz Mahgoub is a human rights lawyer who also works at the Egyptian Coordination for Rights and Freedoms.

The Law Society understands that Ezzat Ghoniem and Azzoz Mahgoub have not been seen since September 14, 2018, and that both were last seen in the custody of Egyptian security forces. On September 4, a court ordered them both to be released on probation pending an investigation into their case. Ezzat Ghoniem and Azzoz Mahgoub were then moved to two different police stations where they were to be held until their release. On September 14, when their families each went to visit them, they were informed that Ghoniem and Mahgoub had already been released. However, the families and lawyers of Ghoniem and Mahgoub have stated that they do not know their whereabouts.

The Law Society of Ontario is deeply troubled by the situation of Ezzat Ghoniem and Azzoz Mahgoub and urges Egypt to comply with its obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Egypt to:

- a. disclose immediately the physical and psychological condition as well as the whereabouts of Ezzat Ghoniem and Azzoz Mahgoub;
- b. release Ezzat Ghoniem and Azzoz Mahgoub, unconditionally, and ensure that they are returned home;
- c. ensure that Ezzat Ghoniem and Azzoz Mahgoub are not subjected to torture or other ill-treatment, have regular, unrestricted access to family, lawyers of their choice, and medical care;
- d. guarantee in all circumstances the physical and psychological integrity of Ezzat Ghoniem and Azzoz Mahgoub;
- e. guarantee that adequate reparation will be provided to Ezzat Ghoniem and Azzoz Mahgoub if they are found to be victims of human rights abuses;
- f. ensure that all lawyers and judges in Egypt are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and

- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 5.1.3.1



April 26, 2018

H.E. Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abdeen Palace
El-Gomhoreya Square
Rahbet Abdin, Abdeen
Cairo, Egypt

Office of the
Treasurer

Osgoode Hall
130 Queen Street
West
Toronto, Ontario
M5H 2N6

Your Excellency:

Re: Concerns regarding the disappearance and detention of lawyer Ezzat Ghonim

Tel 416-947-
3415
Fax 416-947-
7609

I write on behalf of the Law Society of Ontario* to voice our grave concern over the disappearance of lawyer Ezzat Ghonim. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

According to reports, an Egyptian woman, Mona Mahmoud Mohammed was detained pursuant to an order by the public prosecutor following her criticism—which related to accusations against the police that they had tortured and raped her daughter—of the Egyptian police in an interview with the BBC, a foreign media outlet.

Ezzat Ghonim is a prominent human rights lawyer and director of the non-governmental organization, Egyptian Coordination for Rights and Freedoms. Ghonim publicly criticized Egyptian authorities for their handling of Ms. Mohammed's daughter. He was also the first to report the arrest of Mona Mahmoud Mohammed.

Following his public criticisms, Ezzat Ghonim did not return home on the evening of Thursday, March 1, 2018, and his cellular phone has been turned off. Family, friends and colleagues have been unable to contact him and his whereabouts were unknown; they assumed that he had been arrested, which has prompted concerns that his disappearance has been enforced, which, according to Amnesty International, is the method of choice for the authorities when they are looking to hide further abuses against dissidents, such as ill-treatment, torture and extra-judicial executions.

Reports indicate that on March 19, 2018 Ezzat Ghonim appeared in a video published by the Egyptian Interior Ministry appearing weak and tired. He remains in detention in an undisclosed location.



The Law Society of Ontario is deeply troubled by Ezzat Ghonim's situation and urges Your Excellency to comply with Egypt's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Egypt to:

- a. disclose immediately the physical and psychological condition as well as the whereabouts of Ezzat Ghonim;
- b. guarantee in all circumstances the physical and psychological integrity of Ezzat Ghonim;



- c. if he is in state custody, release Ezzat Ghonim immediately and unconditionally;
- d. carry out a thorough, impartial and effective investigation into the disappearance of Ezzat Ghonim and ensure those responsible are held to account;
- e. guarantee that adequate reparation will be provided to Ezzat Ghonim if he is found to be a victim of human rights abuses;
- f. put an end to all acts of harassment and acts of violence against lawyers in Egypt;
- g. ensure that all people in Egypt, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression, including when such expression is critical of government institutions and actions;
- h. ensure that all lawyers and judges in Egypt are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization or other human rights violations; and
- i. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

Equity Legal Education and Rule of Law Series Calendar Winter 2019

Public Events

1. HUMAN RIGHTS AWARD CELEBRATION 2019

Wednesday, February 27, 2019

Ceremony and reception: approximately 5:30 pm- 8:30 p.m.

On the evening of February 27, 2019, the Law Society will honour the recipient of the Law Society's 2019 Human Rights Award. The Human Rights Award recognizes outstanding contributions to the advancement of human rights and/or the promotion of the rule of law provincially, nationally or internationally.

Additional details about this program and the award recipient will follow.

Note: the exact timing of the program is subject to change.

Additional information about Winter 2019 events will be available mid-December 2018.