

TAB 4



Report to Convocation November 28, 2014

Equity and Aboriginal Issues Committee/ Comité sur l'équité et les affaires autochtones

Committee Members
Julian Falconer, Chair
Janet Leiper, Chair
Susan Hare, Vice-Chair and Special Liaison with the Access to Justice Committee
Beth Symes, Vice-Chair
Constance Backhouse
Peter Festeryga
Avvy Go
Howard Goldblatt
Jeffrey Lem
Marian Lippa
Dow Marmur
Barbara Murchie
Judith Potter
Susan Richer

Purposes of Report: Decision and Information

**Prepared by the Equity Initiatives Department
(Josée Bouchard – 416-947-3984)**

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COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on November 12, 2014. Committee members Julian Falconer, Chair, Janet Leiper, Chair, Susan Hare, Vice-Chair and Special Liaison with the Access to Justice Committee, Beth Symes, Vice-Chair, Avvy Go, Howard Goldblatt, Jeffrey Lem, Marian Lippa, Dow Marmur, Barbara Murchie, Judith Potter and Susan Richer participated. Sandra Yuko Nishikawa, Chair of the Equity Advisory Group, and Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, also participated. Staff members Josée Bouchard, Ross Gower, Ekua Quansah and Grant Wedge also attended.
2. The Committee also held a joint meeting with the Access to Justice Committee. Access to Justice Committee members Cathy Corsetti, Chair, Paul Schabas, Chair, Robert Burd, Mary Louise Dickson, Robert Evans, Brian Lawrie and Malcolm Mercer participated. Elizabeth Goldberg, Chief Executive Officer, the Law Foundation of Ontario, and Tanya Lee, Director, Policy and Programs, the Law Foundation of Ontario, attended to make a presentation. Staff members Janice LaForme, Zeynep Onen and Marisha Roman also attended.

FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTIONS

Motion

3. That Convocation approve the letters and public statements in the following cases:
 - a. lawyer Nasrin Sotoudeh – Iran – letters of intervention and public statement presented at [TAB 4.1.1](#);
 - b. lawyers Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan – Saudi Arabia - letters of intervention and public statement presented at [TAB 4.1.2](#).

Rationale

4. 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. determine if the matter is one that requires a response from the Law Society; and
 - c. prepare a response for review and approval by Convocation.

Key Issues and Considerations

5. The Monitoring Group considered the following factors when making its decision about the case of the arrest and continued harassment of human rights lawyer Nasrin Sotoudeh:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the Law Society of Upper Canada has intervened over a dozen times in cases of human rights abuses against members of the legal profession in Iran, including interventions concerning Nasrin Sotoudeh on numerous occasions;
 - c. the arrest and continued harassment of Nasrin Sotoudeh falls within the mandate of the Monitoring Group.
6. The Monitoring Group considered the following factors when making its decision about the case of the sentencing of Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the Law Society of Upper Canada has intervened in multiple cases of human rights abuses against members of the legal profession in Saudi Arabia, including the case of Abdul Rahman al-Lahem in January 2008, and the recent case of Waleed Abu al-Khair in October 2014;
 - c. the sentencing of these three Saudi Arabian lawyers falls within the mandate of the Monitoring Group.

KEY BACKGROUND

IRAN – THE ARREST, SUSPENSION AND CONTINUED HARASSMENT OF HUMAN RIGHTS LAWYER NASRIN SOTOUDEH

Sources of Information

7. The background information for this report was taken from the following sources:
 - a. Agence France-Presse (“AFP”);¹
 - b. Human Rights Watch;²
 - c. Reuters;³ and
 - d. The Guardian.⁴

Background

8. The following information has been reported about Nasrin Sotoudeh.
9. Nasrin Sotoudeh is a prominent human rights lawyer in Iran and the 2012 recipient of the European Parliament’s Sakharov Prize for Freedom of Thought.⁵ In the past she has defended journalists and notable human rights activists such as Nobel Peace Laureate Shirin Ebadi.⁶
10. The Iranian government’s harassment of Nasrin Sotoudeh is well-documented, and includes her unlawful conviction and imprisonment in 2011.⁷ Recent reports indicate that in

1 AFP, which was founded 70 years ago, is a global news agency that delivers in-depth coverage of events shaping the world from wars and conflicts to politics, sports, entertainment and the latest breakthroughs in health, science and technology.

2 Human Rights Watch is a charitable organization that first began in 1978 with the creation of Helsinki Watch, which was designed to support citizens groups within the Soviet bloc to monitor government compliance with the 1975 Helsinki Accords. Related “Watch Committees” arose to address human rights abuses in the Americas, Asia, Africa, and the Middle East. In 1988, the organization formally adopted the all-inclusive “Human Rights Watch” name. In 1997, Human Rights Watch shared the Nobel Peace Prize for its efforts that contributed to banning landmines internationally. Human Rights Watch investigates abuses by using traditional on-the-ground fact-finding, supplemented by new technologies in fact-finding research, to defend the rights of people worldwide.

3 Thomson Reuters is the world's largest international multimedia news agency, providing investing news, world news, business news, technology news, headline news, small business news, news alerts, personal finance, stock market, and mutual funds information available on Reuters.com, video, mobile, and interactive television platforms. Thomson Reuters journalists are subject to an Editorial Handbook which requires fair presentation and disclosure of relevant interests.

4 The Guardian is a globally respected news source, founded in Manchester, England, in 1821, and first printed in that year. It was named Newspaper of the Year in 2011 at the internationally recognized Press Awards.

5 Emma Graham-Harrison, “Iranian lawyer Nasrin Sotoudeh detained at protest against acid attacks on women”, *The Guardian* (26 October 2014), online: <<http://www.theguardian.com/world/2014/oct/26/iranian-lawyer-nasrin-sotoudeh-detained-acid-attacks-women>> [*Guardian*].

6 “Barred Iranian lawyer says rights under attack”, *AFP* (21 October 2014), online: <<http://www.afp.com/en/node/2966916>> [*AFP*].

7 Human Rights Watch indicates that “[s]ecurity forces arrested Sotoudeh on September 4, 2010, and Branch 26 of Tehran’s Revolutionary Court sentenced her to 11 years in prison and banned her from

October 2014, she was banned from practising law for three years, and eight days later, she was detained while peacefully protesting.

11. On 18 October 2014, the Iranian Bar Association's disciplinary committee told Nasrin Sotoudeh that it had revoked her law licence because a revolutionary court convicted her on vague national security charges in 2011.⁸ According to The Guardian, a "Bar Association spokesman said [Nasrin] Sotoudeh was not the first Iranian lawyer to see their licence suspended," adding, without further elaboration, that "[t]hose that commit violations are banned".⁹
12. Nasrin Sotoudeh informed Human Rights Watch that "the Iranian Bar Association's disciplinary board imposed the ban under pressure from security, intelligence, and judiciary officials."¹⁰
13. Instead of appealing the decision, Nasrin Sotoudeh chose to protest her suspension outside the Iranian Bar Association. It is reported that her initial attempt to protest was interrupted by police and intelligence officials.¹¹ She maintained that the protest was related to her right to work and earn a salary.¹²
14. Reports indicate that on 25 October 2014, Nasrin Sotoudeh and a small number of her supporters were gathered in front of the Iranian Bar Association in Tehran, protesting her suspension from practising law.¹³ At around noon, the group allegedly attempted to join a peaceful demonstration in front of the Interior Ministry against acid attacks targeting women in the city of Esfahan.¹⁴ A number of persons were arrested, including Nasrin Sotoudeh.¹⁵
15. According to Human Rights Watch, "[a]uthorities released the others shortly after their arrest, but transferred [Nasrin] Sotoudeh to an Intelligence Ministry detention facility in Tehran, where they kept her for approximately seven hours".¹⁶ During her detention, Nasrin Sotoudeh reported that "security agents once threatened to charge her with the

practising law for 20 years in January 2011. The charges against Sotoudeh included "acting against national security," "propaganda against the state," and "membership in the Center for Human Rights Defenders," the group formed by the Nobel peace laureate Shirin Ebadi and other lawyers. On September 14, 2011, Branch 54 of Tehran's Revolutionary Appeals Court reduced Sotoudeh's sentence to six years and reduced the legal practice ban to 10 years." Human Rights Watch notes that Nasrin Sotoudeh "was freed without explanation on September 18, 2013". See "Iran: Stop Targeting Rights Lawyer", *Human Rights Watch* (28 October 2014), online: <<http://www.hrw.org/node/130229>> [HRW].

8 *Ibid.*

9 *Guardian supra* note 5.

10 *HRW supra* note 7.

11 *AFP supra* note 6.

12 *Ibid.*

13 *HRW supra* note 7.

14 *Ibid.*

15 *Ibid.*

16 *Ibid.*

crime of *moharebeh*, or “enmity against God,” which can carry the death penalty, and attempted to forcibly blindfold her”.¹⁷

16. The Monitoring Group is concerned for the physical and psychological well-being of Nasrin Sotoudeh and that Iranian authorities are illegally attempting to prevent Nasrin Sotoudeh from acting as a lawyer and advocate for human rights, by the use of threats, intimidation, arbitrary arrests, and detentions.¹⁸
17. The Monitoring Group notes that the *Universal Declaration of Human Rights* prohibits arbitrary arrests and detentions under Article 9.¹⁹ In addition, the Monitoring Group recognizes Articles 1, 5 and 6 of the *Declaration on human rights defenders*.²⁰ These provisions grant individuals and groups the right of peaceful assembly to promote the realization of human rights and fundamental freedoms.
18. Nasrin Sotoudeh’s ongoing harassment by authorities, including any unlawful government pressure to suspend her licence to practise law, contravenes Principles 16 and 23 of the United Nations *Basic Principles on the Role of Lawyers*.²¹ Principle 16 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.

Moreover, Principle 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.

19. Organizations believe that Iranian authorities continue to harass and intimidate Nasrin Sotoudeh in order to prevent her from carrying out her peaceful human rights activities.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), at Article 9 online: <<http://www.un.org/en/documents/udhr/#atop>> [UDHR].

²⁰ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly* , 8 March 1999, A/RES/53/144, online: <<http://www2.ohchr.org/english/issues/defenders/docs/declaration/declaration.pdf>> [Declaration on HR Defenders].

²¹ United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, online: <<http://www.refworld.org/docid/3ddb9f034.html>> [UN Basic Principles].

Groups are calling on the Iranian government to cease immediately any illegal actions against her.²²

SAUDI ARABIA – THE SENTENCING OF THREE SAUDI ARABIAN LAWYERS

Sources of Information

20. The background information for this report was taken from the following sources:
 - a. Amnesty International;²³
 - b. British Broadcasting Corporation (“BBC”);²⁴
 - c. Project on Middle East Democracy (“POMED”);
 - d. Reuters; and
 - e. The Wall Street Journal.²⁵

Background

21. The following information has been reported about three Saudi Arabian lawyers, Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan.
22. The Saudi Press Agency reported that, on 27 October 2014, three unnamed Saudi lawyers were sentenced by a court in Riyadh to prison terms between five to eight years for criticizing the Ministry of Justice on Twitter.²⁶ Sources indicate that the names of these lawyers are Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan.²⁷
23. The initial verdict in the case, which was subsequently appealed, imposed fines of more than 1 million Saudi riyals (\$266,666) in total, and a complete media ban against the three

²² HRW *supra* note 7.

²³ Amnesty International is an independent and democratically-run organization. The movement’s mission and policies, and its long-term directions, are all set by Amnesty members. Amnesty representatives from around the world gather every two years to set policy at the International Council Meeting (ICM). The Council also elects an International Executive Committee which ensures that the ICM’s decisions are carried out. Where Amnesty International is formally organized in a particular country, such as in Canada, Amnesty members set policy and key priorities within the framework of the worldwide movement. Amnesty International’s work is always being assessed by its members and staff in the light of changing world circumstances.

²⁴ The BBC, founded in 1922, is one of the world’s most respected sources for news. It has been a global service since 1932.

²⁵ The Wall Street Journal was originally founded by Dow Jones & Company to report business and financial news. Its first issue was printed on July 8, 1889. The newspaper’s accuracy, breadth and detail of its coverage won it respect and success from its inception.

²⁶ Ahmed Al Omran, “Saudi Lawyers Jailed for Critical Tweets”, *The Wall Street Journal Law Blog* (27 October 2014), online: <<http://blogs.wsj.com/law/2014/10/27/saudi-lawyers-jailed-for-critical-tweets/>> [WSJ *Prison*]. The lawyers remain unnamed in this article, and other news sources; however, POMED (see *infra* note 27) and a previous Wall Street Journal article on the initial verdict confirm their identities (see *infra* note 29).

²⁷ “Saudi Lawyers Sentenced to Prison for Critical Tweets”, *Project on Middle East Democracy*, online: POMED <<http://pomed.org/blog-post/human-rights/saudi-lawyers-sentenced-to-prison-for-critical-tweets/>> [POMED], see *WSJ Fines infra* note 28.

lawyers.²⁸ The lawyers submitted several requests but never received a copy of this decision.²⁹

24. The Ministry of Justice alleged that the lawyers' online activities damaged the reputation of the justice apparatus.³⁰ Reports indicate that the lawyers were ultimately "convicted of prejudicing public order through tweets which contained opinions against the ruler."³¹
25. Mr. Alnogaithan allegedly posted the following comments on Twitter:

"Lawyers are monitoring the catastrophic performance of the Ministry of Justice, [a performance] wrapped in lies and fraudulent media reports unique in the history of Saudi Arabian ministries", "Honourable lawyers will not stand idle to the actions of the Ministry of Justice against the judicial system", "Is it in the competence of the Ministry to terrorise judges this way, this is an unprecedented distortion to the judiciary", "To the Ministry of Justice, your childish threats do not scare us and we will keep shedding the light on all your excesses."³²

26. Other tweets allegedly criticized "the slow pace of reforms in the Kingdom's judicial system, and highlighting with cases and facts the failure of the Ministry of Justice to uphold justice."³³
27. The Monitoring Group is concerned that the sentence imposed upon these three lawyers is unjustified and in violation of international law. While the Law Society of Upper Canada recognizes that lawyers "should take care not to weaken or destroy public confidence in legal institutions or authorities by irresponsible allegations,"³⁴ it also maintains that, "a lawyer should not hesitate to speak out against an injustice."³⁵
28. The Monitoring Group notes that Saudi Arabia is a member in the UN Human Rights Council, and it has international legal obligations. In particular, the Monitoring Group would like to highlight Principles 16 and 23 of the UN *Basic Principles on the Role of Lawyers*.³⁶ Principle 16 states:

28 Jacob Gershman, "Saudi Lawyers Fined for Tweets Critical of Kingdom's Justice System", *The Wall Street Journal Law Blog* (4 June 2014), online: <<http://blogs.wsj.com/law/2014/06/04/saudi-lawyers-fined-for-tweets-critical-of-kingdoms-justice-system/>> [WSJ Fines].

29 "Urgent Action: Lawyers Sentenced over 'offensive tweets'", *Amnesty International* (11 November 2014), online: <<http://www.amnesty.org/en/library/asset/MDE23/030/2014/fr/3e6e8df1-589f-4267-b8ce-1a8e65cd00b0/mde230302014en.pdf>> [Amnesty].

30 *Ibid.*

31 Angus McDowell, "Saudi Arabia jails three lawyers for tweets criticizing judiciary", *Reuters* (27 October 2014), online: <<http://in.reuters.com/article/2014/10/27/saudi-rights-idINKBNOIG1U420141027>>.

32 *Amnesty supra* note 29.

33 *Ibid.*

34 *Rules of Professional Conduct*, Law Society of Upper Canada (Toronto: Law Society of Upper Canada, with amendments as of 1 October 2014) at Rule 5.6-1 Commentary [1], online: <<http://www.lsuc.on.ca/uploadedFiles/NewRulesofProfessionalConduct-effectiveOct2014.pdf>>.

35 *Ibid.*

36 *UN Basic Principles supra* note 21.

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.

Principle 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.

29. The Monitoring Group expresses concern that the sentences imposed upon Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan are in violation of international law and do not reflect the principles embodied by the UN Human Rights Council.

TAB 4.1.1

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

Nasrin Sotoudeh

President Hassan Rouhani
Office of the President
Palestine Avenue
Azerbaijan Intersection
Tehran, Islamic Republic of Iran

Your Excellency:

Re: arrest and continued harassment of human rights lawyer Nasrin Sotoudeh

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the case of Nasrin Sotoudeh. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Nasrin Sotoudeh is a prominent human rights lawyer in Iran and the 2012 recipient of the European Parliament's Sakharov Prize for Freedom of Thought. In the past, she has defended journalists and notable human rights activists, such as Nobel Peace Laureate Shirin Ebadi.

The Iranian government's harassment of Nasrin Sotoudeh is well-documented, and includes her unlawful conviction and imprisonment in 2011. Recent reports indicate that in October 2014, she was banned from practising law for three years, and eight days later, she was detained while peacefully protesting.

It is reported that on 18 October 2014, the Iranian Bar Association's disciplinary committee informed Nasrin Sotoudeh that it had revoked her law licence because a revolutionary court convicted her on national security charges in 2011. Instead of appealing the decision, Nasrin Sotoudeh chose to protest her suspension outside the Iranian Bar Association. It is reported that her initial attempt to protest was interrupted by police and intelligence officials. She maintained that the protest was related to her right to work and earn a salary.

Reports indicate that on 25 October 2014, Nasrin Sotoudeh and a small number of her supporters were gathered in front of the Iranian Bar Association in Tehran, protesting her suspension from practising law. At around noon, the group allegedly attempted to join a peaceful demonstration against acid attacks targeting women in the city of Esfahan, in front of the Interior Ministry. A number of persons were arrested, including Nasrin Sotoudeh.

According to reports, authorities released the others shortly after their arrest, but transferred Nasrin Sotoudeh to an Intelligence Ministry detention facility in Tehran, where they kept her for approximately seven hours. During her detention, Nasrin Sotoudeh reported that security

agents threatened to charge her with the crime of *moharebeh*, or “enmity against God,” which can carry the death penalty. The interrogators also allegedly attempted to forcibly blindfold her.

The Law Society of Upper Canada expresses concern for the physical and psychological well-being of Nasrin Sotoudeh. The Law Society is concerned that Iranian authorities are illegally attempting to prevent Nasrin Sotoudeh from acting as a lawyer and advocate for human rights, by the use of threats, intimidation, arbitrary arrests, and detentions.

The Law Society notes that the *Universal Declaration of Human Rights* prohibits arbitrary arrests and detentions under Article 9. In addition, the Law Society recognizes Articles 1, 5 and 6 of the *Declaration on human rights defenders*. These provisions grant individuals and groups the right of peaceful assembly to promote the realization of human rights and fundamental freedoms.

Nasrin Sotoudeh’s ongoing harassment by authorities, including any unlawful government pressure to suspend her licence to practise law, contravenes Principles 16 and 23 of the United Nations’ *Basic Principles on the Role of Lawyers*.

Principle 16 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.

Moreover, Principle 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.

Organizations believe that Iranian authorities continue to harass and intimidate Nasrin Sotoudeh in order to prevent her from carrying out her peaceful human rights activities. Groups are calling on the Iranian government to cease immediately any illegal actions against her.

The Law Society urges the government of the Islamic Republic of Iran to:

- a. put an end to all acts of harassment against Nasrin Sotoudeh;
- b. guarantee in all circumstances the physical and psychological integrity of Nasrin Sotoudeh;
- c. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and ongoing harassment of Nasrin Sotoudeh, in order to

- identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- d. guarantee that adequate reparation would be provided to Nasrin Sotoudeh if she is found to be a victim of abuses;
 - e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 6,000 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:

Hon. Mr. Mostafa Pourmohammadi
Minister of Justice of the Islamic Republic of Iran
Department of Justice
Tehran, Islamic Republic of Iran

Hon. Mr. Abdolreza Rahmani Fazli
Minister of Interior of the Islamic Republic of Iran
Ministry of Interior
Tehran, Islamic Republic of Iran

Hon. Dr. Mohammad Javad Zarif
Minister of Foreign Affairs of the Islamic Republic of Iran
Ministry of Foreign Affairs,
Bagh-e Melli, Tehran, Islamic Republic of Iran

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, 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

Yves Berthelot, 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

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

Nicholas Fluck, President, The Law Society of England and Wales

Sarah Smith, International Development and Human Rights, The Law Society of England and Wales

Dr. Ali Najafi Tavana, President, Iran Central Bar Association

Proposed Public Statement

The Law Society of Upper Canada expresses concern about the arrest and ongoing harassment of Nasrin Sotoudeh in Iran

The Law Society of Upper Canada is gravely concerned about the recent arrest and ongoing harassment of lawyer Nasrin Sotoudeh in Iran.

Nasrin Sotoudeh is a prominent human rights lawyer in Iran and the 2012 recipient of the European Parliament's Sakharov Prize for Freedom of Thought. In the past, she has defended journalists and notable human rights activists, such as Nobel Peace Laureate Shirin Ebadi.

The Iranian government's harassment of Nasrin Sotoudeh is well-documented, and includes her unlawful conviction and imprisonment in 2011. Recent reports indicate that in October 2014, she was banned from practising law for three years, and eight days later, she was detained while peacefully protesting.

It is reported that on 18 October 2014, the Iranian Bar Association's disciplinary committee informed Nasrin Sotoudeh that it had revoked her law licence because a revolutionary court convicted her on national security charges in 2011. Instead of appealing the decision, Nasrin Sotoudeh chose to protest her suspension outside the Iranian Bar Association. It is reported that her initial attempt to protest was interrupted by police and intelligence officials. She maintained that the protest was related to her right to work and earn a salary.

Reports indicate that on 25 October 2014, Nasrin Sotoudeh and a small number of her supporters were gathered in front of the Iranian Bar Association in Tehran, protesting her suspension from practising law. At around noon, the group allegedly attempted to join a peaceful demonstration against acid attacks targeting women in the city of Esfahan, in front of the Interior Ministry. A number of persons were arrested, including Nasrin Sotoudeh.

According to reports, authorities released the others shortly after their arrest, but transferred Nasrin Sotoudeh to an Intelligence Ministry detention facility in Tehran, where they kept her for approximately seven hours. During her detention, Nasrin Sotoudeh reported that security agents threatened to charge her with the crime of *moharebeh*, or "enmity against God," which can carry the death penalty. The interrogators also allegedly attempted to forcibly blindfold her.

The Law Society of Upper Canada expresses concern for the physical and psychological well-being of Nasrin Sotoudeh. The Law Society is concerned that Iranian authorities are illegally attempting to prevent Nasrin Sotoudeh from acting as a lawyer and advocate for human rights, by the use of threats, intimidation, arbitrary arrests, and detentions.

The Law Society notes that the *Universal Declaration of Human Rights* prohibits arbitrary arrests and detentions under Article 9. In addition, the Law Society recognizes Articles 1, 5 and 6 of the *Declaration on human rights defenders*. These provisions grant individuals and groups the right of peaceful assembly to promote the realization of human rights and fundamental freedoms.

Nasrin Sotoudeh's ongoing harassment by authorities, including any unlawful government pressure to suspend her licence to practise law, contravenes Principles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Principle 16 states:

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Organizations believe that Iranian authorities continue to harass and intimidate Nasrin Sotoudeh in order to prevent her from carrying out her peaceful human rights activities. Groups are calling on the Iranian government to cease immediately any illegal actions against her.

The Law Society urges the government of the Islamic Republic of Iran to:

- a. put an end to all acts of harassment against Nasrin Sotoudeh;
- b. guarantee in all circumstances the physical and psychological integrity of Nasrin Sotoudeh;
- c. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and ongoing harassment of Nasrin Sotoudeh, in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- d. guarantee that adequate reparation would be provided to Nasrin Sotoudeh if she is found to be a victim of abuses;
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 6,000 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.

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: arrest and continued harassment of human rights lawyer Nasrin Sotoudeh

I write to inform you that on the advice of the Human Rights Monitoring Group*, The Law Society of Upper Canada sent the attached letter to His Excellency Mr. Hassan Rouhani, President of the Islamic Republic of Iran, expressing our deep concerns over reports of the recent arrest and ongoing harassment of human rights lawyer Nasrin Sotoudeh.

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

Please forward any further correspondence to the attention of Josée Bouchard, Director, Equity Initiatives, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6, or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Vincent Forest, 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
- Yves Berthelot, 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
- Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Nicholas Fluck, President, The Law Society of England and Wales
- Sarah Smith, International Development and Human Rights, The Law Society of England and Wales
- Dr. Ali Najafi Tavana, President, Iran Central Bar Association

TAB 4.1.2

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

**Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi
and Bander Alnogaithan**

King Abdullah Bin Abdul Aziz Al-Saud
The Custodian of the two Holy Mosques
Office of His Majesty the King
Royal Court
Riyadh, Kingdom of Saudi Arabia

Your Majesty,

**Re: Sentencing of lawyers Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi
and Bander Alnogaithan**

I write on behalf of The Law Society of Upper Canada* to voice our concern over the case of lawyers Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Saudi Press Agency reported that, on 27 October 2014, three unnamed Saudi lawyers, were sentenced by a court in Riyadh to prison terms between five to eight years for criticizing the Ministry of Justice on Twitter. Other sources indicate that the names of these lawyers are Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan.

Reports stated that the initial verdict in the case, which was subsequently appealed, imposed fines of more than 1 million Saudi riyals (\$266,666) in total, and a complete media ban against the three lawyers. It is reported that the lawyers submitted several requests but never received a copy of this decision.

The Ministry of Justice alleged that the lawyers' online activities damaged the reputation of the justice apparatus. Reports indicate that the lawyers were ultimately convicted of prejudicing public order through tweets that contained opinions against the ruler.

The Law Society of Upper Canada expresses concern that the sentence imposed upon these three lawyers is unjustified and in violation of international law. While the Law Society recognizes that lawyers should take care not to weaken or destroy public confidence in legal institutions or authorities by irresponsible allegations, it also maintains that lawyers should not hesitate to speak out against an injustice.

The Law Society would like to remind your Majesty of Saudi Arabia's membership in the UN Human Rights Council, and of its international legal obligations. In particular, the Law Society

would like to highlight Principles 16 and 23 of the UN Basic Principles on the Role of Lawyers. Principle 16 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.

Principle 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.

The Law Society believes that the sentences imposed upon Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan are in violation of international law and do not reflect the principles embodied by the UN Human Rights Council.

The Law Society urges the government of Saudi Arabia to:

- a. quash the sentence and release these lawyers from custody;
- b. put an end to any and all acts of harassment against these lawyers;
- c. guarantee in all circumstances the physical and psychological integrity of these lawyers;
- d. conduct any appeal of the ruling in public, in a fair, impartial and independent manner, guaranteeing all of the procedural rights of these lawyers;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and sentencing of these 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;
- f. guarantee that adequate reparation would be provided to these lawyers if they are found to be victims of abuses;
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 6,000 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:

Dr. Mohammed bin Abdulkareem Al-Issa
Minister of Justice of the Kingdom of Saudi Arabia
University Street, Riyadh 11137
Saudi Arabia

H.R.H. Prince Saud Al-Faisal bin Abdulaziz Al-Saud
Minister of Foreign Affairs of the Kingdom of Saudi Arabia
Nasseriya Street, Riyadh 11124
Saudi Arabia

H.E. Ambassador Naif Bin Bandir Alsudairy
The Royal Embassy of Saudi Arabia
201 Sussex Drive
Ottawa, ON, Canada

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

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

Nicholas Fluck, President, The Law Society of England and Wales

Proposed Public Statement

The Law Society of Upper Canada expresses concern about the sentencing of lawyers Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan

The Law Society of Upper Canada is concerned about the sentencing of three lawyers, Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan, in Saudi Arabia.

The Saudi Press Agency reported that, on 27 October 2014, three unnamed Saudi lawyers, were sentenced by a court in Riyadh to prison terms between five to eight years for criticizing the Ministry of Justice on Twitter. Other sources indicate that the names of these lawyers are Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan.

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- d. conduct any appeal of the ruling in public, in a fair, impartial and independent manner, guaranteeing all of the procedural rights of these lawyers;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and sentencing of these 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;
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Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Sentencing of three Saudi Arabian lawyers

I write to inform you that on the advice of the Human Rights Monitoring Group*, The Law Society of Upper Canada sent the attached letter to His Majesty Abdullah Bin Abdul Aziz Al-Saud, King of the Kingdom of Saudi Arabia, expressing our concerns over the sentencing of lawyers Abdulrahman Al Rumaih, Abdulrahman Al Sobaihi and Bander Alnogaithan.

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

Please forward any further correspondence to the attention of Josée Bouchard, Director, Equity Initiatives, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6, or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

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- Nicholas Fluck, President, The Law Society of England and Wales
- Sarah Smith, International Development and Human Rights, The Law Society of England and Wales

TAB 4.2

FOR INFORMATION

**APPOINTMENT OF TRUTH AND RECONCILIATION COMMISSION ON
EQUITY ADVISORY GROUP**

SUMMARY

30. At its November 12, 2014 meeting, the Equity and Aboriginal Issues Committee (the Committee) approved a request from the Equity Advisory Group (EAG) to appoint the Truth and Reconciliation Commission of Canada to EAG until the next EAG recruitment process in the spring of 2015.
31. The EAG is mandated to assist the Committee in the development of policy options for the promotion of equity and diversity in the legal profession. EAG is also occasionally asked to comment on issues where principles of equity and access to justice intersect. Currently, the Aboriginal Law Students' Association at the University of Toronto, Faculty of Law is the sole representation on EAG from Aboriginal communities. EAG and the Committee were of the view that EAG could benefit from having an additional member to represent the interests of Aboriginal communities, since the Law Society is engaged in the renewal of its Aboriginal initiatives strategy.

KEY ISSUES AND CONSIDERATIONS

EAG Terms of Reference

32. The EAG Terms of Reference provide that the EAG shall have no more than 24 members. Currently, EAG is not at its full complement of members, with only 20 members. Therefore, an additional member would be in compliance with the Terms of Reference.

Truth and Reconciliation Commission

33. The Truth and Reconciliation Commission of Canada (TRC) has expressed interest in becoming a member of EAG. The TRC is mandated to inform all Canadians about what occurred in Indian Residential Schools (IRS) by documenting the truth of survivors, families, communities and anyone personally affected by the IRS experience. The TRC has a five-year mandate, which was extended by one year in January 2014. The TRC's mandate will end on June 30, 2015.
34. The initiative aims at increasing representation on EAG and will have a positive impact in the development of the Aboriginal strategy and access to justice initiatives.

Tab 4.3

PUBLIC EDUCATION EQUALITY AND RULE OF LAW SERIES CALENDAR

2014 - 2015

RULE OF LAW EVENT – CELEBRATING 40 YEARS OF HUMAN RIGHTS UNDER THE RULES OF PROFESSIONAL CONDUCT

Date: December 10, 2014
Location: Convocation Hall
Time: 4:30 p.m. to 7:00 p.m.
Details: Roundtable Discussion followed by networking reception

Moderator:

- Cynthia Petersen, Discrimination and Harassment Counsel, Law Society of Upper Canada, partner, Sack Goldblatt Mitchell LLP

Keynotes:

- The Honourable Justice Russell Juriansz, Court of Appeal for Ontario
- Treasurer Janet E. Minor, The Law Society of Upper Canada
- Professor Harry Arthurs, Osgoode Hall Law School
Ronald D. Manes, founding Partner and Chair, Torkin Manes LLP

BLACK HISTORY MONTH

Date: February 17, 2015
Location: Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.
Time: 4:00 p.m. – 6:00 p.m.

HUMAN RIGHTS AWARD PRESENTATION & RECEPTION

Date: February 12, 2015
Location: Donald Lamont Learning Centre and Upper and Lower Barristers' Lounge
Time: 4:30 p.m.

INTERNATIONAL WOMEN'S DAY

Date : March 5, 2015
Location: Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.
Time: 4:00 p.m. – 7:00 p.m.

LA JOURNÉE INTERNATIONALE DE LA FRANCOPHONIE

Date : March 19, 2015
Location: Law Society of Upper Canada
Time: 6:00 p.m. – 8:00 p.m.

HOLOCAUST REMEMBRANCE DAY

Date: April 14, 15 & 16, 2015 (TBC)
Location: Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.
Time: 4:00 p.m. – 8:00 p.m.

DIVERSE CAREERS FOR WOMEN IN LAW

Date: May 7, 2015
Location: Convocation Hall
Time: TBC

ASIAN AND SOUTH ASIAN HERITAGE MONTH

Date: May 12, 14 or 19, 2015 – TBC
Location: Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.
Time: 4:00 p.m. – 8:00 p.m.

ACCESS AWARENESS FORUM

Date: June 4, 2015
Location: Donald Lamont Learning Centre
Time: 4:00 p.m. – 8:00 p.m.

NATIONAL ABORIGINAL HISTORY MONTH

Date: June 19, 2015
Location: Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.
Time: 4:00 p.m. – 8:00 p.m.

PRIDE WEEK

Date: June 23, 2015
Location: Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.
Time: 4:00 p.m. – 6:00 p.m.