

TAB 2



## Report to Convocation February 26, 2015

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### 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**  
**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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Public Education Equality and Rule of Law Series Calendar 2015

## COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on February 12, 2015. Committee members Julian Falconer, Chair, Susan Hare, Vice-Chair and Special Liaison with the Access to Justice Committee, Constance Backhouse, Howard Goldblatt, Jeffrey Lem, Marian Lippa, Barbara Murchie, Judith Potter and Susan Richer participated. Sandra Yuko Nishikawa, Chair of the Equity Advisory Group also participated. Staff members Josée Bouchard, Janice LaForme, Diana Miles, Zeynep Onen, Ekua Quansah, and Grant Wedge also attended. Profession Michael Ornstein, York University, attended to make a presentation.

TAB 2.1

## FOR DECISION

### HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTIONS

2. That Convocation approve the letters and public statements in the following cases:
  - a. Lawyer Waleed Abu al-Khair – Saudi Arabia – letters of intervention presented at [TAB 2.1.1](#).
  - b. Lawyer Sukhrat Kudratov– Tajikistan – letters of intervention and public statement presented at [TAB 2.1.2](#).

#### Rationale

3. 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

4. The Monitoring Group considered the following factors when making a decision about the arrest, continued detention and severe sentence of human rights lawyer Waleed Abu al-Khair:
  - a. there are no concerns about the quality of sources used for this report;
  - b. the Law Society has received correspondence from Lawyers’ Rights Watch Canada and Amnesty International regarding this case;
  - c. the Law Society of Upper Canada intervened in Waleed Abu al-Khair’s case in October 2014. The Law Society also intervened in cases of other lawyers in Saudi Arabia in January 2008 and December 2014;
  - d. the arrest, continued detention and severe sentence of human rights lawyer Waleed Abu al-Khair falls within the mandate of the Monitoring Group.
5. The Monitoring Group considered the following factors when making a decision about the arrest and sentence of human rights lawyer Sukhrat Kudratov:
  - a. there are no concerns about the quality of sources used for this report;

- b. the arrest and sentence of lawyer Sukhrat Kudratov falls within the mandate of the Monitoring Group.

## KEY BACKGROUND

### KINGDOM OF SAUDI ARABIA – THE ARREST, CONTINUED DETENTION AND SEVERE SENTENCE OF HUMAN RIGHTS LAWYER WALEED ABU AL-KHAIR

#### Sources of Information

6. The background information for this report was taken from the following sources:
  - a. Amnesty International;<sup>1</sup>
  - b. British Broadcasting Corporation (“BBC”);<sup>2</sup>
  - c. Front Line Defenders;
  - d. Gulf Centre for Human Rights (“GCHR”);<sup>3</sup>
  - e. Lawyers’ Rights Watch Canada (“LRWC”);<sup>4</sup>
  - f. Human Rights Watch;<sup>5</sup> and,
  - e. U.S. Department of State.<sup>6</sup>

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1 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. When major changes in policy and approach are needed, Amnesty members make the final decision.

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

3 The GCHR was founded in 2011. It is an independent, non-profit NGO, with offices in Beirut and Copenhagen. The GCHR provides support and protection to human rights defenders working in the six Gulf Cooperation Council member states (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates), and to those working in Iran, Iraq, Yemen and Syria. It receives guidance from an Advisory Board composed of regional and international human rights defenders, including academics and lawyers.

4 LRWC was incorporated as a non-profit organization on 8 June 2000. It is a committee of Canadian lawyers that promotes human rights and the rule of law by providing support internationally to human rights defenders in danger. LRWC promotes the implementation and enforcement of international standards designed to protect the independence and security of human rights defenders around the world. Their work includes: campaigning for lawyers whose rights, freedoms or independence are threatened as a result of their human rights advocacy; producing legal analyses of national and international laws and standards relevant to human rights abuses against lawyers and other human rights defenders; and, working in cooperation with other human rights organizations.

5 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.

## Background

7. The following information served as the basis for the Law Society's intervention in Waleed Abu al-Khair's case in October 2014.
8. Waleed Abu al-Khair is a prominent human rights lawyer, activist, and the founder and director of Monitor for Human Rights in Saudi Arabia.<sup>7</sup> Waleed Abu al-Khair was awarded the Olof Palme Memorial Fund Prize in 2012 for his work.<sup>8</sup>
9. On 4 October 2013, Saudi authorities arrested Waleed Abu al-Khair for hosting a weekly discussion group for reformists.<sup>9</sup> Reports indicate that he was brought before the Specialized Criminal Court in Riyadh on 6 October 2013, facing a number of charges, including "breaking allegiance to and disobeying the ruler", "disrespecting the authorities", "offending the judiciary", "inciting international organizations against the Kingdom" and "founding an unlicensed organization."<sup>10</sup>
10. On 29 October 2013, a different criminal court in Jeddah sentenced him to three months in prison on similar charges.<sup>11</sup> On 6 February 2014, the Court of Appeal upheld that sentence and conviction.<sup>12</sup>
11. Reports indicate that after he served his sentence, Waleed Abu al-Khair was then detained on 15 April 2014 for "criticising and insulting the judiciary"; "assembling international organisations against the Kingdom"; "creating and supervising an unlicensed organisation, and contributing to the establishment of another"; and, "preparing and storing information that will affect public security."<sup>13</sup> On 6 July 2014, the first instance Specialized Criminal Court in Jeddah sentenced Waleed Abu al-Khair to 15 years in prison, a 15 year ban on travel, and a fine of 200,000 Saudi riyal (almost CDN \$60,000).<sup>14</sup>
12. The U.S. Department of State has expressed its concern over the duration of the sentence, travel ban, and steep fine.<sup>15</sup> The organizations listed in this report believe that these

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6 The U.S. Department of State, created in 1789, is the federal executive department responsible for the United States' international relations. The Department of State was the first executive department established.

7 "Saudi Arabia – Human rights lawyer Waleed Abu Al-Khair subjected to ill-treatment and imprisoned with criminals", Gulf Centre for Human Rights (21 July 2014), online: <<http://gc4hr.org/news/view/702>> [GCHR].

8 "Update – Saudi Arabia: Mr Waleed Abu Al-Khair receives lengthy prison sentence and travel ban", *Front Line Defenders* (7 July 2014), online: <<http://www.frontlinedefenders.org/node/26509>> [FLD].

9 "Saudi Arabia: Jailed for Hosting Discussion Group", *Human Rights Watch* (4 October 2013), online: <<http://www.hrw.org/news/2013/10/04/saudi-arabia-jailed-hosting-discussion-group>> [HRW].

10 "Saudi Arabia jails lawyer and human rights activist in ongoing crackdown on dissent", *Amnesty International* (16 April 2014), online: <<http://www.amnesty.org/en/news/saudi-arabia-waleed-abu-al-khair-2014-04-16>> [Amnesty].

11 *Amnesty*.

12 *Ibid.*

13 *FLD*.

14 *Ibid.*

15 U.S. Department of State, *Sentencing of Saudi Human Rights Lawyer Waleed Abu al-Khair* (Press Statement) (7 July 2014), online: <<http://www.state.gov/r/pa/prs/ps/2014/07/228840.htm>>.

charges are 'trumped up', and appear to be punishing peaceful activism.<sup>16</sup> A spokesperson for Human Rights Watch noted that the crackdown in Saudi Arabia "on peaceful human rights activists makes a mockery of its membership in the UN Human Rights Council in Geneva, whose members are expected to promote and protect the very rights that Saudi authorities are trampling underfoot."<sup>17</sup>

13. Furthermore, the GCHR brings forward additional concerns, noting that Waleed Abu al-Khair "is the only human rights defender in Buraiman prison and his ill-treatment and detention are in violation of the UN Convention of Civil and Political Rights as well as the UN Standard Minimum Rules for the Treatment of Prisoners in [...] section 8 (c) which states that 'Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence.'<sup>18</sup>
14. The arrest, continued detention, and severe punishment of Waleed Abu al-Khair stands in contrast to Saudi Arabia's responsibilities under international law, and as a current member of the United Nations Human Rights Council. Organizations are calling for his release and an end to the crackdown on human rights activists in Saudi Arabia.

## Update

15. Reports indicate that on 12 January 2015, Waleed Abu al-Khair's sentence was upheld upon appeal by the Specialized Criminal Court ("SCC") in Riyadh. The judge ordered that Waleed Abu al-Khair must serve the full 15 year prison sentence because he has refused to apologize for his "offences".<sup>19</sup>
16. It is reported that Waleed Abu al-Khair is being detained in the Briman prison in Jeddah. He has stated that he has been physically and psychologically tortured during his detention.<sup>20</sup> He has also been denied access to medical care and to dietary accommodations required to manage his diabetes.<sup>21</sup>
17. Organizations such as Amnesty International and Lawyers' Rights Watch Canada have called for Waleed Abu al-Khair's immediate and unconditional release.

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16 "Saudi activist Waleed Abu al-Khair sentenced to prison", *BBC* (7 July 2014), online: <<http://www.bbc.com/news/world-middle-east-28200195>> [BBC].

17 *Ibid.*

18 *GCHR*.

19 "Urgent Action: Sentence Against Human Rights Defender Upheld", *Amnesty International* (13 January 2015), online: < <http://www.amnesty.org/en/library/asset/MDE23/003/2015/en/73bc8b2c-cf3f-4b4a-bab0-532713949020/mde230032015en.htm>> [*Urgent Action*].

20 *Ibid.*

21 "Saudi Arabia: Waleed Abu al-Khair [sic] Sentenced to 15 Years in Jail | Letter", *Lawyers' Rights Watch Canada* (22 January 2015), online: < <http://www.lrwc.org/saudi-arabia-waleed-abu-al-khair-sentenced-to-15-years-in-jail-letter/>> [LRWC]

## REPUBLIC OF TAJIKISTAN – THE ARREST AND SENTENCE OF HUMAN RIGHTS LAWYER SUKHRAT KUDRATOV

### Sources of Information

18. The background information for this report was taken from the following sources:
  - a. Front Line Defenders;
  - b. Human Rights Watch (“HRW”);<sup>22</sup>
  - c. International Bar Association’s Human Rights Institute (“IBAHRI”)<sup>23</sup>;
  - d. The Observatory for the Protection of Human Rights Defenders;<sup>24</sup> and,
  - e. Jurist.<sup>25</sup>

### Background

19. The following information has been reported about Sukhrat Kudratov.
20. Sukhrat Kudratov is a human rights lawyer who is well-known for defending opposition activists, victims of police torture and religious extremists.<sup>26</sup> In 2011, Sukhrat Kudratov was the recipient of the Bureau for Human Rights and Rule of Law’s Human Rights Defender of Tajikistan award. He is the lawyer for the independent news agency “Asia-Plus” and he is the deputy director of the opposition Social Democratic Party.<sup>27</sup>
21. Reports indicate that on 21 July 2014, Sukhrat Kudratov was arrested in his office and charged with three criminal offences, including attempted bribery of a judge. It is believed that he is being targeted as a result of his human rights work, which includes defending

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22 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.

23 The International Bar Association’s Human Rights Institute (IBAHRI) works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

24 International Federation for Human Rights (FIDH) created the Observatory for the Protection of Human Rights Defenders (OBS) in 1997, in partnership with the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy to situations of repression against human rights defenders. The action of this programme is based on the conviction that the strengthening of cooperation and solidarity in favour of human rights defenders and their organisations contribute to breaking their isolation and to reinforcing their protection and security.

25 JURIST (<http://jurist.org>) is a web-based legal news and real-time legal research service powered by a mostly-volunteer team of over 60 part-time law student reporters, editors and Web developers led by law professor Bernard Hibbitts at the University of Pittsburgh School of Law in Pittsburgh, Pennsylvania, USA. JURIST is produced as a public service for the continuing legal education of its readers and law student staffers, and uses the latest Internet technology to track important legal news stories and materials and present them rapidly, objectively and intelligibly in an accessible, ad-free format.

26 “Tajikistan: The Sentencing of Mr. Sukhrat Kudratov” (23 January 2015), online: <<https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/tajikistan/16847-tajikistan-sentencing-of-mr-sukhrat-kudratov> >[The Observatory]

27 *Ibid.*

Zaid Saidov, an opposition activist, who was arrested in November 2013 after announcing the creation of a new opposition party.<sup>28</sup> Zaid Saidov was sentenced to 26 years in prison in December 2013. Sukhrat Kudratov's arrest took place six days after he issued a public letter addressed to foreign parliaments, governments, embassies and international human rights organizations drawing their attention to the human rights violations committed during Zaid Saidov's trial and to the ongoing persecution of Zaid Saidov's legal team.<sup>29</sup> Human Rights Watch notes, "Following a November visit to Tajikistan, the International Commission of Jurists (ICJ) stated that it had credible information that the charges against Kudratov were 'linked to his representation of a client, contrary to international standards on the independence of lawyers.'"<sup>30</sup>

22. It is reported that Sukhrat Kudratov is the second of Zaid Saidov's lawyers to be detained. In March 2014, Fakhriddin Zokirov, was charged with fraud. He was released after eight months on the condition that he would no longer defend Zaid Saidov.<sup>31</sup>
23. Reports indicate that on 13 January 2015, Sukhrat Kudratov was sentenced to nine years in a penal colony for bribery and fraud.<sup>32</sup> He is also prohibited from performing any activities as a lawyer upon completion of his prison term.<sup>33</sup>
24. Sukhrat Kudratov has announced that he will appeal the verdict.<sup>34</sup> The Supreme Court of Tajikistan must decide on his appeal by 23 February 2015.<sup>35</sup>
25. A number of human rights organizations have called for Sukhrat Kudratov's immediate release and for the Tajik government to take steps to ensure the independence of the legal profession and security of individual lawyers.

## FOR INFORMATION

### HUMAN RIGHTS AWARD

26. On February 12, 2015, the inaugural Law Society of Upper Canada's Human Rights Award was awarded to the Honourable Irwin Cotler. The coverage of the award ceremony is available online at <http://www.lawsocietygazette.ca/news/irwin-cotler-accepts-law-societys-first-human-rights-award/>.

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28 *Ibid.*

29 *Ibid.*

30 "Tajikistan: Human Rights Lawyer Imprisoned" (14 January 2015), online:

<<http://www.hrw.org/news/2015/01/14/tajikistan-human-rights-lawyer-imprisoned>> [*Human Rights Watch*]

31 *The Observatory supra* note 26.

32 *Ibid.*

33 "Tajikistan: Update – Human Rights Lawyer Mr. Shukhrat Kudratov sentenced to nine years' imprisonment" (16 January 2015), online: < <http://www.frontlinedefenders.org/node/27931> > [*Frontline Defenders*]

34 *Ibid.*

35 "Sentencing of prominent human rights lawyer in Tajikistan of concern to IBAHRI" (29 January 2015), online: <<http://www.ibanet.org/Article/Detail.aspx?ArticleUid=81c26e2d-821d-4036-b261-3bc978a8aa65>>

TAB 2.1.1

## PROPOSED LETTERS OF INTERVENTION

### WALEED ABU AL-KHAIR

King Salman 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: The arrest, continued detention and severe punishment of human rights lawyer  
Waleed Abu Al-Khair**

I write on behalf of the Law Society of Upper Canada\* further to our letter of 6 October 2014, to voice our continued concern over the arrest, detention and severe punishment of Waleed Abu Al-Khair. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Waleed Abu al-Khair is a prominent human rights lawyer, activist, and the founder and director of Monitor for Human Rights in Saudi Arabia. He was awarded the Olof Palme Memorial Fund Prize in 2012 for his work.

In our letter of 6 October 2014, the Law Society expressed concern about reports that Waleed Abu al-Khair had been arrested, detained and subsequently sentenced to imprisonment as a result of engaging in legitimate human rights work.

The Law Society presently writes to voice its continued deep concern as a result of reports that on 12 January 2015, Waleed Abu al-Khair's sentence was upheld upon appeal by the Specialized Criminal Court in Riyadh. The judge ordered that Waleed Abu al-Khair must serve the full 15 year prison sentence because he has refused to apologize for his offences.

It is reported that Waleed Abu al-Khair is being detained in the Briman prison in Jeddah. He has stated that he has been physically and psychologically tortured during his detention. Reports also indicate that Waleed Abu al-Khair has been denied access to medical care and to dietary accommodations required to manage his diabetes.

The Law Society notes that the *Universal Declaration of Human Rights* under Article 3 gives everyone the right to life, liberty, and security of person. Waleed Abu al-Khair has the right to access medical care and to be provided with dietary accommodations for his medical condition.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. As a current member of the UN Human Rights Council, Saudi Arabia should be aware of international human rights instruments, including the *Universal Declaration of Human Rights*, which state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and 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 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

Moreover, Article 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 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 Saudi Arabia to:

- a. release Waleed Abu al-Khair immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Waleed Abu al-Khair;
- c. provide Waleed Abu al-Khair with regular access to his lawyer, family, his physician and adequate medical care;
- d. guarantee all the procedural rights that should be accorded to Waleed Abu al-Khair, and other human rights defenders in Saudi Arabia;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct or ill-treatment in the arrest, detention, and sentencing of Waleed Abu al-Khair, 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 Waleed Abu a-Khair if found to be a victim of abuses;

- g. put an end to all acts of harassment against Waleed Abu al-Khair, as well as other human rights defenders in Saudi Arabia;
- h. 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. Walid bin Mohammed bin Saleh Al-Sama'ani  
Minister of Justice of the Kingdom of Saudi Arabia  
University Street, Riyadh 11137  
Saudi Arabia

HRH 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

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

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

Sarah Smith, Human Rights and Rule of Law Policy Advisor, The Law Society of England and Wales

### Proposed Letter to Lawyers' Associations

Dear [Name],

**Re: The arrest, continued detention and severe punishment of human rights lawyer  
Waleed Abu Al-Khair**

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 King Salman bin Abdul Aziz Al-Saud, King of Saudi Arabia, expressing our deep concerns about Waleed Abu al-Khair's arrest, continued detention, and severe punishment.

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, Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [jbouchar@lsuc.on.ca](mailto:jbouchar@lsuc.on.ca).

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group

\* 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 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
- 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
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the High Commissioner for Human Rights
- Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

TAB 2.1.2

## PROPOSED LETTERS OF INTERVENTION

### SUKHRAT KUDRATOV

His Excellency Mr. Enomali Rahmmon  
President of the Republic of Tajikistan  
Rudaki Avenue, 80  
Dushanbe 734023  
Republic of Tajikistan

Your Excellency:

#### **Re: The arrest and sentence of human rights lawyer Sukhrat Kudratov**

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

Sukhrat Kudratov is a human rights lawyer who is well-known for defending opposition activists, victims of police torture and religious extremists. In 2011, Sukhrat Kudratov was the recipient of the Bureau for Human Rights and Rule of Law's Human Rights Defender of Tajikistan award. He is the lawyer for the independent news agency "Asia-Plus" and he is the deputy director of the opposition Social Democratic Party.

Reports indicate that on 21 July 2014, Sukhrat Kudratov was arrested in his office and charged with three criminal offences, including attempted bribery of a judge. Groups have raised concern that Sukhrat Kudratov is being targeted as a result of his human rights work, which includes defending Zaid Saidov, an opposition activist, who was arrested in November 2013 after announcing the creation of a new opposition party. Sukhrat Kudratov's arrest took place six days after he issued a public letter addressed to foreign parliaments, governments, embassies and international human rights organizations drawing their attention to the human rights violations committed during Zaid Saidov's trial and to the ongoing persecution of Zaid Saidov's legal team.

It is reported that Sukhrat Kudratov is the second of Zaid Saidov's lawyers to be detained. In March 2014, Fakhridin Zokirov, was charged with fraud. He was released after eight months on the condition that he would no longer defend Zaid Saidov.

On 13 January 2015, Sukhrat Kudratov was sentenced to nine years in a penal colony for bribery and fraud. He is also prohibited from performing any activities as a lawyer upon completion of his prison term. Reports indicate that Sukhrat Kudratov has announced that he will appeal the verdict. The Supreme Court of Tajikistan must decide on his appeal by 23 February 2015.

In concern over these reports, the Law Society of Upper Canada urges your Excellency to consider Articles 16 and 23 of the United Nations *Basic Principles on the Role of Lawyers*.

Article 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.

Moreover, Article 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.

The Law Society urges the government of the Republic of Tajikistan to,

- a. release Sukhrat Kudratov immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Sukhrat Kudratov;
- c. provide Sukhrat Kudratov with regular access to his lawyer, family, physician and medical care;
- d. guarantee all the procedural rights that should be accorded to Sukhrat Kudratov and other human rights lawyers and defenders in Tajikistan;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Sukhrat Kudratov 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 Sukhrat Kudratov if found to be a victim of abuses;
- g. put an end to all acts of harassment against Sukhrat Kudratov as well as other human rights lawyer and defenders in Tajikistan;
- h. 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:

Mr. Shomurod Rustam  
Minister of Justice of the Republic of Tajikistan  
Shotemur Street, 27  
Dushanbe 734025  
Republic of Tajikistan

Mr. Sirojiddin Aslov Muhridinovich  
Minister of Foreign Affairs of the Republic of Tajikistan  
Sheroz Street, 33  
Dushanbe 734001  
Republic of Tajikistan

H.E. Mr. Mahmamin Mahmaminov  
Permanent Representative of Tajikistan to the United Nations  
216 East 49<sup>th</sup> Street, 4<sup>th</sup> Floor  
New York, NY 10017  
USA

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

Michael Frost, Special Rapporteur on the situation of human rights defenders, Office of the High Commissioner for Human Rights

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

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

## Proposed Public Statement

### **The Law Society of Upper Canada Expresses Concern about the Arrest and Sentence of human rights lawyer Sukhrat Kudratov in Tajikistan**

The Law Society of Upper Canada is deeply concerned about the arrest and sentence of human rights lawyer Sukhrat Kudratov in Tajikistan.

Sukhrat Kudratov is a human rights lawyer who is well-known for defending opposition activists, victims of police torture and religious extremists. In 2011, Sukhrat Kudratov was the recipient of the Bureau for Human Rights and Rule of Law's Human Rights Defender of Tajikistan award. He is the lawyer for the independent news agency "Asia-Plus" and he is the deputy director of the opposition Social Democratic Party.

Reports indicate that on 21 July 2014, Sukhrat Kudratov was arrested in his office and charged with three criminal offences, including attempted bribery of a judge. Groups have raised concern that Sukhrat Kudratov is being targeted as a result of his human rights work, which includes defending Zaid Saidov, an opposition activist, who was arrested in November 2013 after announcing the creation of a new opposition party. Sukhrat Kudratov's arrest took place six days after he issued a public letter addressed to foreign parliaments, governments, embassies and international human rights organizations drawing their attention to the human rights violations committed during Zaid Saidov's trial and to the ongoing persecution of Zaid Saidov's legal team.

It is reported that Sukhrat Kudratov is the second of Zaid Saidov's lawyers to be detained. In March 2014, Fakhriddin Zokirov, was charged with fraud. He was released after eight months on the condition that he would no longer defend Zaid Saidov.

On 13 January 2015, Sukhrat Kudratov was sentenced to nine years in a penal colony for bribery and fraud. He is also prohibited from performing any activities as a lawyer upon completion of his prison term. Reports indicate that Sukhrat Kudratov has announced that he will appeal the verdict. The Supreme Court of Tajikistan must decide on his appeal by 23 February 2015.

In concern over these reports, the Law Society of Upper Canada urges the Republic of Tajikistan to consider Articles 16 and 23 of the United Nations *Basic Principles on the Role of Lawyers*.

Article 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.

Moreover, Article 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.

The Law Society urges the government of the Republic of Tajikistan to,

- a. release Sukhrat Kudratov immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Sukhrat Kudratov;
- c. provide Sukhrat Kudratov with regular access to his lawyer, family, physician and medical care;
- d. guarantee all the procedural rights that should be accorded to Sukhrat Kudratov and other human rights lawyers and defenders in Tajikistan;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Sukhrat Kudratov 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 Sukhrat Kudratov if found to be a victim of abuses;
- g. put an end to all acts of harassment against Sukhrat Kudratov as well as other human rights lawyer and defenders in Tajikistan;
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

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### **Proposed Letter to Lawyers' Associations**

Dear [Name],

**Re: The arrest and sentence of human rights lawyer Sukhrat Kudratov**

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. Enomali Rahmmon, President of the Republic of Tajikistan, expressing our deep concerns about Sukhrat Kudratov's arrest and sentence.

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, Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [jbouchar@lsuc.on.ca](mailto:jbouchar@lsuc.on.ca).

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group

\* 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 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
- 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
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the High Commissioner for Human Rights
- Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

**TAB 2.2**

**PUBLIC EDUCATION EQUALITY AND RULE OF LAW SERIES CALENDAR  
2015**

**INTERNATIONAL WOMEN'S DAY – TAB 2.2.1**

**Topic:**

An intergenerational and interdisciplinary dialogue on women's experiences of sexual violence. The discussion will focus on: the impact of changes in the law of consent; whether our public conversations about high profile cases have changed over the years; and differences in activism and law reform efforts as each generation has sought to address the prevalence of sexual violence against women.

**Date:** March 5, 2015

**Location:** Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.

**Time:** Panel 5:00 p.m. – 7:00 p.m.

**Reception:** 7:00 – 8:30 p.m.

**Confirmed Speakers:**

- Mary Eberts, Law Office of Mary Anne Eberts
- Farrah Khan – Counsellor, Barbra Schlifer Commemorative Clinic
- Lenore Lukasik-Foss – Executive Director, SACHA - Sexual Assault Centre (Hamilton & Area)
- Melanie Randall – Associate Professor, Faculty of Law, Western University
- Lisa Taylor – Assistant Professor, Ryerson School of Journalism

**LA JOURNÉE INTERNATIONALE DE LA FRANCOPHONIE**

**Keynote speakers:** Kelly Burke, sous-ministre adjointe  
Louise Gauvreau, gestionnaire principale, Langues officielles  
Jean-Marc Michalik, ancien champion de boxe poids-lourd ;, et  
Charles Jean Sucsan, directeur des Communications et des projets spéciaux à l'Office des Affaires francophones.

**Date :** March 19, 2015

**Location:** Law Society of Upper Canada

**Time:** 6:00 p.m. – 8:00 p.m.

**HOLOCAUST REMEMBRANCE DAY**

**Date:** April 15 & 16, 2015 (TBC)

**Location:** Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.

**Time:** 4:30 p.m. – 8:00 p.m. (TBC)

**DIVERSE CAREERS FOR WOMEN IN LAW**

**Date:** May 7, 2015

**Location:** Convocation Hall

**Time:** TBC

**ASIAN AND SOUTH ASIAN HERITAGE MONTH**

**Date:** May 12 or 19, 2015 – TBC

**Location:** Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.

**Time:** 4:30 p.m. – 8:00 p.m. (TBC)

**ACCESS AWARENESS FORUM**

**Date:** June 4, 2015

**Location:** Donald Lamont Learning Centre

**Time:** 4:30 p.m. – 8:00 p.m. (TBC)

**NATIONAL ABORIGINAL HISTORY MONTH**

**Date:** June 19, 2015-TBC

**Location:** Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.

**Time:** 4:30 p.m. – 8:00 p.m. (TBC)

**PRIDE WEEK**

**Date:** June 23, 2015

**Location:** Donald Lamont Learning Centre for panel discussion followed by Convocation Hall for reception.

**Time:** 4:30 p.m. – 8:00 p.m. (TBC)

PUBLIC EDUCATION SERIES  
INTERNATIONAL WOMEN'S DAY EVENT



## Sexual violence against women: the more things change, the more they stay the same?

In honour of **International Women's Day**, join the Law Society and partner organizations for an intergenerational and interdisciplinary dialogue on women's experiences of sexual violence. The discussion will focus on: the impact of changes in the law of consent; whether our public conversations about high profile cases have changed over the years; and differences in activism and law reform efforts as each generation has sought to address the prevalence of sexual violence against women.

A reception will follow the panel discussion.

### March 5, 2015

Osgoode Hall, 130 Queen St. W., Toronto\*

Panel discussion: 5:00-7:00 p.m., Donald Lamont Learning Centre

Reception: 7:00-8:30 p.m., Convocation Hall

\*also available via webcast

*Please enter through east-side doors facing Nathan Phillips Square.*

### RSVP

This public event is free, but space is limited. Please register at the following link, by **March 2**: <http://www.lsuc.on.ca/iwd-registration/>

[equityevents@lsuc.on.ca](mailto:equityevents@lsuc.on.ca) | 416-947-3413 | 1-800-668-7380, ext. 3413

*Photographs taken at this public event will be used in Law Society of Upper Canada print and online publications.*



ONTARIO  
BAR ASSOCIATION  
A Branch of the  
Canadian Bar Association

L'ASSOCIATION DU  
BARREAU DE L'ONTARIO  
Une division de l'Association  
du Barreau canadien



Women's Law  
Association of Ontario



LEAF FAEJ

Women's Legal  
Education and  
Action Fund

Fonds d'action et  
d'éducation juridiques  
pour les femmes