

**TAB 4**



## **Report to Convocation**

**June 23, 2016**

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

**Committee Members**  
Julian Falconer, Co-Chair  
Janet Leiper, Co-Chair  
Dianne Corbiere, Vice-Chair  
Sandra Nishikawa, Vice-Chair  
Raj Anand  
Fred Bickford  
Suzanne Clément  
Teresa Donnelly  
Robert Evans  
Avvy Go  
Howard Goldblatt  
Marian Lippa  
Isfahan Merali  
Barbara Murchie  
Gina Papageorgiou  
Susan Richer  
Raj Sharda

**Purpose of Report: Decision and Information**

**Prepared by the Equity Initiatives Department  
(Ekua Quansah – 416-947-3425)**

## TABLE OF CONTENTS

### **For Decision**

Human Rights Monitoring Group Request for Interventions..... **TAB 4.1**

### **For Information**

Human Rights Monitoring Group – Responses to Interventions ..... **TAB 4.2**

Equity Legal Education and Rule of Law Calendar 2016 ..... **TAB 4.3**

## **COMMITTEE PROCESS**

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on June 23, 2016. Committee members, benchers Julian Falconer, Co-Chair, Dianne Corbiere, Vice-Chair, Sandra Nishikawa, Vice-Chair, Raj Anand, Fred Bickford, Suzanne Clément, Teresa Donnelly, Robert Evans, Howard Goldblatt, Marian Lippa, Isfahan Merali, Barbara Murchie and Raj Sharda attended. Former Treasurer W.A. Derry Millar participated. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, Kathleen Lickers, representative of the Indigenous Advisory Group and Jonathan Davey, Vice-Chair of the Equity Advisory Group also participated. Staff members Darcy Belisle, Hyacinth Khin, Denise McCourtie, Ekuia Quansah, Susan Tonkin and Grant Wedge were present.

**TAB 4.1**

**FOR DECISION**

**HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTIONS**

2. **That Convocation approve the letters and public statements in the following cases:**
  - a. **Lawyer Juan Carlos Gutiérrez – Venezuela – letter of intervention and public statement presented at [TAB 4.1.1](#).**
  - b. **Lawyer Nabeel Adib Abdallah – Sudan – letter of intervention and public statement presented at [TAB 4.1.2](#).**
  - c. **Lawyer Jean Kisumbule Muteba – Democratic Republic of the Congo – letter of intervention and public statement presented at [TAB 4.1.3](#).**
  - d. **Lawyer Negad El-Borai – Egypt – letter of intervention and public statement presented at [TAB 4.1.4](#).**
  - e. **Lawyer Taimoor Karimi – Bahrain – letter of intervention and public statement presented at [TAB 4.1.5](#).**

**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 harassment of lawyer Juan Carlos Gutiérrez:
  - a. there are no concerns about the quality of sources used for this report;
  - b. the harassment of lawyer Juan Carlos Gutiérrez falls within the mandate of the Monitoring Group.
5. The Monitoring Group considered the following factors when making a decision about the harassment of lawyer Nabeel Adib Abdallah:
  - a. there are no concerns about the quality of sources used for this report;

- b. the harassment of lawyer Nabeel Adib Abdallah falls within the mandate of the Monitoring Group.
6. The Monitoring Group considered the following factors when making a decision about the murder of Jean Kisumbule Muteba:
  - a. there are no concerns about the quality of sources used for this report;
  - b. the murder of lawyer Jean Kisumbule Muteba falls within the mandate of the Monitoring Group.
7. The Monitoring Group considered the following factors when making a decision about the harassment of human rights lawyer Negad El-Borai:
  - a. there are no concerns about the quality of sources used for this report;
  - b. the harassment of lawyer Negad El-Borai falls within the mandate of the Monitoring Group.
8. The Monitoring Group considered the following factors when making a decision about the harassment and imminent expulsion of lawyer Taimoor Karimi:
  - a. there are no concerns about the quality of sources used for this report;
  - b. the harassment and imminent expulsion of lawyer Taimoor Karimi falls within the mandate of the Monitoring Group.

## **KEY BACKGROUND**

### **VENEZUELA – JUDICIAL HARASSMENT OF LAWYER JUAN CARLOS GUTIÉRREZ**

#### **Sources of Information**

9. The background information for this report was taken from the following sources:
  - a. International Bar Association's Human Rights Institute

#### **Background**

10. Juan Carlos Gutiérrez is a lawyer in Venezuela and Colombia and counsel to Venezuelan opposition leader and political prisoner Leopoldo López. Detained in February 2014 after participating in a series of peaceful demonstrations, Leopoldo López was convicted of incitement, criminal association and arson. In September 2015, he was sentenced to 13 years and nine months in prison.<sup>1</sup>

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<sup>1</sup> "Venezuela: IBAHRI concerned by harassment of lawyer Juan Carlos Gutiérrez in Venezuela, 5 May

11. The Law Society has received reports that on 25 April 2016 Juan Carlos Gutiérrez filed a formal complaint before the National Prosecutor's Office. In his complaint he stated that he was subjected to several humiliating practices by military authorities at the Ramo Verde prison, where Leopoldo López has been detained since February 2014. The impugning conduct includes: strip searches; verbal and physical assaults; and intrusive and inappropriate touching. Juan Carlos Gutiérrez also alleges he was deprived of several personal belongings by prison authorities.<sup>2</sup>
12. Juan Carlos Gutiérrez asserts that his ability to represent his client has been impeded by unjustified restrictions on his communications with Leopoldo López. Moreover, Juan Carlos Gutiérrez alleges that prison authorities have eroded solicitor-client privilege by recording all of his meetings with his client and by reading, and occasionally confiscating, lawyer-client communications without permission. Juan Carlos Gutiérrez also alleges that prison authorities have photographed him without consent and have accessed information on his mobile phone.<sup>3</sup>
13. On 5 May 2016 Baroness Helena Kennedy, International Bar Association's Human Rights Institute (IBAHRI) Co-Chair, released the following public statement: *'We are deeply concerned about the recurrent persecution and obstacles deployed against lawyers and human rights defenders involved in politically sensitive cases in Venezuela. The attacks on their work affect not only their rights, but undermine the rights of the defendant, harms the effectiveness of any defence and imposes undue restrictions on due process. Moreover, these actions create a deterrent effect, silencing other views and expressions of dissent by those exercising their right to freedom of expression. The Venezuelan government must stop such attacks and take necessary measures to ensure a safe environment for lawyers so that they can perform their professional functions free from any kind of harassment.'*<sup>4</sup>

## **SUDAN – HARASSMENT AGAINST HUMAN RIGHTS LAWYER NABEEL ADIB ABDALLAH**

### **Sources of Information**

14. The background information for this report was taken from the following sources:
  - a. Lawyers' Rights Watch Canada.

### **Background**

15. The Law Society has received reports that on 5 May 2016, Sudan's National Intelligence and Security Services (NISS) agents raided the office of prominent lawyer and rights

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2016," online: International Bar Association's Human Rights Institute (IBAHRI) < <http://www.ibanet.org> >

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

activist Nabeel Adib Abdallah. Several university students were arrested at the scene. The authorities have provided no justification for the raid and have not cited any specific charges. It is currently unclear whether Nabeel Adib Abdallah himself was also arrested.<sup>5</sup>

16. The raid came after the Vice Chancellor of the University of Khartoum reportedly shut down the university indefinitely and dismissed 17 students for involvement in recent human rights demonstrations. Some of the students went to Abdallah's office to hire him to challenge the dismissal decision.<sup>6</sup>
17. On 11 May 2016, Lawyers Rights Watch Canada (LRWC) published an open letter to the President of Sudan citing their belief that Nabeel Adib Abdallah has been targeted with harassment and arrest due to his human rights work. The raid is seen as part of the overall pattern of suppression and harassment of human rights activists in Sudan.<sup>7</sup>

## **DEMOCRATIC REPUBLIC OF THE CONGO – MURDER LAWYER JEAN KISUMBULE MUTEBA**

### **Sources of Information**

18. The background information for this report was taken from the following sources:
  - a. International Association of Lawyers; and
  - b. Lawyers for Lawyers.

### **Background**

19. The Law Society has received reports that on 27 February 2016, Jean Kisumbule Muteba, a lawyer in the Democratic Republic of the Congo, was murdered at Bandalungwa, Kinshasa. The motivation for the crime remains unknown.<sup>8</sup>
20. Edouard Mukendi Kalambayi, President of the Bar Association of Kinshasa/Gombe, called on national authorities to investigate the crime and bring the responsible individuals to justice. On 7 March 2016, the International Association of Lawyers (UIA) published an open letter to Edouard Mukendi Kalambayi expressing its support for a fulsome investigation and urging the authorities to conduct an impartial investigation. In their letter, the UIA also noted the recent increase in the number of assaults on lawyers and human rights defenders in the Democratic Republic of the Congo.<sup>9</sup>

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<sup>5</sup> "Re: Arbitrary Arrest and Detention of Human Rights Defender Nabeel Adib Abdullah and University Students, 11 May 2016," online: Lawyers' Rights Watch Canada < <http://www.lrwc.org>>

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> "DRC Lawyer Jean Kisumbule Muteba shot dead, 27 February 2016," online: Lawyers for Lawyers < <http://www.advocatenvooradvocaten.nl>>

<sup>9</sup> "The UIA condemns the murder of lawyer Jean Kisumbule Muteba," online: International Association of Lawyers < <http://www.uianet.org>>

21. On 2 March 2016, Edouard Mukendi Kalambayi issued a press release reporting that Congolese authorities had made several commitments regarding Jean Kisumbule Mutea's crime, as well as with respect to the security of lawyers in general. This movement followed protests from lawyers about the circumstances of the murder of Jean Kisumbule Muteba and about the general safety of lawyers.<sup>10</sup>
22. On 8 April 2016, the UIA wrote to Congolese authorities to express concern about the safety of lawyers in the Democratic Republic of the Congo and to inform them that they will continue to attentively follow the course of the investigation and the situation of lawyers in the country.<sup>11</sup>

## **EGYPT– JUDICIAL HARASSMENT OF HUMAN RIGHTS LAWYER NEGAD EL-BORAI**

### **Sources of Information**

23. The background information for this report was taken from the following sources:
  - a. Daily News Egypt; and
  - b. Observatory for the Protection of Human Rights Defenders.

### **Background**

24. The Law Society has received reports of the continued judicial harassment of Mr. Negad El-Borai, human rights lawyer and Director of the "United Group – Attorneys-at-law, Legal Advisors" (United Group).
25. According to the information received, Mr. Negad El-Borai was summoned to an investigation on 17 May 2016 in relation to a complaint filed by the High Judicial Council. The complaint relates to Negad El-Borai's work on an anti-torture bill in March 2015, and his advocacy before the Egyptian authorities for its adoption in April 2015. The complaint also relates to a workshop that Negad El-Borai organized in order to discuss the proposed bill.<sup>12</sup>
26. Negad El-Borai has been summoned to five investigations in this case. Following the fourth investigation on 3 March 2016, he was arrested, released and charged with "establishing an unlicensed entity for the intent of inciting resistance to the authorities", "implementing human rights activities without a license", "deliberately spreading false information with the purpose of harming public order or public interest" and "receiving funds from the National Center for State Courts (NCSC)".<sup>13</sup>

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<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> "Egypt: Continuing judicial harassment against Mr. Negad El-Borai, 17 May 2016," online: Observatory for the Protection of Human Rights Defenders < <https://www.fidh.org> >

<sup>13</sup> "UPDATE: Investigations postponed for rights lawyer over anti-torture bill, 17 May 2016," online: Daily News Egypt <<http://www.dailynewsegypt.com>>

27. On 17 May 2016, the Observatory for the Protection of Human Rights Defenders (the "Observatory") published a letter condemning the ongoing judicial harassment of Negad El-Borai. Furthermore, the Observatory expressed its concern that human rights defenders and organizations fighting against torture in Egypt are being increasingly targeted by the authorities. The letter also noted that the criminalization of anti-torture work comes in the context of a dramatic deterioration of the human rights situation in Egypt, which has been marked by a crackdown on civil society and an increase in reported cases of torture, deaths in detention and disappearances.<sup>14</sup>

## **BAHRAIN– JUDICIAL HARASSMENT AND IMMINENT EXPULSION OF HUMAN RIGHTS LAWYER TAIMOOR KARIMI**

### **Sources of Information**

28. The background information for this report was taken from the following sources:
- c. Amnesty International;
  - d. Reuters; and
  - e. Human Rights Watch.

### **Background**

29. Taimoor Karimi is a Shi'ite Muslim lawyer who participated in Bahrain's pro-democracy protests in 2011 and defended some of the movement's most prominent activists. In 2014, Taimoor Karimi was one of ten individuals whose Bahraini citizenship was withdrawn without due process.<sup>15</sup> Bahraini authorities have obstructed his right to appeal the decision to revoke his citizenship. Taimoor Karimi has fought the order for three years, during which time he has lost his government issued identification, job and bank account.<sup>16</sup>
30. On 10 August 2014, the public prosecutor issued a court summons to Taimoor Karimi for "violations of asylum and immigration law" that include remaining in Bahrain without the residence license that all non-nationals over 16 are required to have. Since the Appeal Court in Manama upheld his sentence on 23 May, he has been at imminent risk of expulsion from Bahrain.<sup>17</sup>
31. On 26 May 2016, Amnesty International called for urgent action for appeals to be sent in English and in Arabic, addressing the King of Bahrain, the Ministry of Interior and the

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<sup>14</sup> "Egypt: Continuing judicial harassment against Mr. Negad El-Borai, 17 May 2016," online: Observatory for the Protection of Human Rights Defenders < <https://www.fidh.org>>

<sup>15</sup> "Bahrain: Citizenship Rights Stripped Away, 21 August 2014," online: Human Rights Watch < <https://www.hrw.org>>

<sup>16</sup> "Bahrain punishes opponents by revoking their citizenship, 31 March 2016," online: Reuters < <http://ca.reuters.com>>

<sup>17</sup> "Urgent Action: Stateless lawyer at imminent risk of expulsion, 24 May 2016," online: Amnesty International < <https://www.amnesty.org>>

Minister of Justice and Islamic Affairs urging them not to proceed with the expulsion of Taimoor Karimi, and to rescind the decision stripping him of his Bahraini citizenship.<sup>18</sup>

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<sup>18</sup> *Ibid.*

TAB 4.1.1

**PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT**

**JUAN CARLOS GUTIÉRREZ**

His Excellency, Nicolás Maduro  
President of Venezuela  
Final Avenida Urdaneta, Esq. de Bolero,  
Palacio de Miraflores,  
Caracas, Capital District,  
Venezuela

Dear President:

**Re: Harassment of Lawyer Juan Carlos Gutiérrez**

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

Juan Carlos Gutiérrez is a lawyer and and counsel to Venezuelan opposition leader and political prisoner Leopoldo López.

It has come to our attention that on 25 April 2016, Juan Carlos Gutiérrez filed a formal complaint before the National Prosecutor's Office. In his complaint he stated that he was subjected to several humiliating practices by military authorities at the Ramo Verde prison, where Leopoldo López has been detained since February 2014. The impugning conduct includes: strip searches; verbal and physical assaults; and intrusive and inappropriate touching. Juan Carlos Gutiérrez also alleges he was deprived of several personal belongings by prison authorities.

Juan Carlos Gutiérrez asserts that his ability to represent his client has been impeded by unjustified restrictions on his communications with his client. Moreover, he alleges that prison authorities have eroded solicitor-client privilege by recording all of his meetings with his client and by reading, and occasionally confiscating, confidential lawyer-client communications without permission. Juan Carlos Gutiérrez alleges that prison authorities have photographed him without consent and have accessed information on his mobile phone.

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, economics 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 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 Venezuela to:

- a. put an end to all acts of harassment against Juan Carlos Gutiérrez as well as other lawyers and human rights defenders in Venezuela;
- b. guarantee in all circumstances the physical and psychological integrity of Juan Carlos Gutiérrez; and
- c. 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 49,000 lawyers and 7,600 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:

Ambassador-Designate Wilmer Omar Barrientos Fernández  
32 Range Road  
Ottawa, Ontario K1N 8J4  
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

Chairperson, Caracas Bar Association

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

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

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

Dear [Name],

#### **Re: Harassment of human rights lawyers Juan Carlos Gutiérrez**

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, Nicolás Maduro, President of Venezuela, expressing our deep concerns over reports of the harassment of lawyer Juan Carlos Gutiérrez.

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 Ekua Quansah, Associate Counsel, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [equansah@lsuc.on.ca](mailto:equansah@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 49,000 lawyers and 7,400 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
- Chairperson, Caracas Bar Association
- 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
- 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 grave concerns about the harassment of lawyer Juan Carlos Gutiérrez**

Juan Carlos Gutiérrez is a lawyer and counsel to Venezuelan opposition leader and political prisoner Leopoldo López.

It has come to our attention that on 25 April 2016, Mr Gutiérrez filed a formal complaint before the National Prosecutor's Office. In his complaint he stated that he was subjected to several humiliating practices by military authorities at the Ramo Verde prison where Mr López has been detained since February 2014. The impugning conduct includes: strip searches; verbal and physical assaults; and intrusive and inappropriate touching. Juan Carlos Gutiérrez also alleges he was deprived of several personal belongings by prison authorities.

Juan Carlos Gutiérrez asserts that his ability to represent his client has been impeded by unjustified restrictions on his communications with his client. Moreover, he alleges that prison authorities have eroded solicitor-client privilege by recording all of his meetings with his client and by reading, and occasionally confiscating, confidential lawyer-client communications without permission. Juan Carlos Gutiérrez alleges that prison authorities have photographed him without consent and have accessed information on his mobile phone.

The Law Society of Upper Canada urges the government of Venezuela 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, economics 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 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 Venezuela to:

- a. put an end to all acts of harassment against Juan Carlos Gutiérrez as well as other lawyers and human rights defenders in Venezuela;
- b. guarantee in all circumstances the physical and psychological integrity of Juan Carlos Gutiérrez; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 4.1.2

**PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT**

**NABEEL ADIB ABDALLAH**

President Omar Hassan Ahmad al-Bashir  
Office of the President  
People's Palace  
PO Box 281, Khartoum  
Republic of Sudan

Dear President:

**Re: Harassment of Lawyer Nabeel Adib Abdallah**

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

Nabeel Adib Abdallah is a prominent lawyer and rights activist. The Law Society has received reports that on 5 May 2016, Sudan's National Intelligence and Security Services (NISS) agents raided Nabeel Adib Abdallah's office, confiscating property and arresting several university students. The authorities have provided no justification for the raid and have not cited any specific charges, nor any other information about the removal of Nabeel Adib Abdallah's property. It is unclear whether Nabeel Adib Abdallah himself was also arrested at the scene.

The raid came after the Vice Chancellor of the University of Khartoum reportedly shut down the university indefinitely and dismissed 17 students for their involvement in human rights demonstrations. The students went to Nabeel Adib Abdallah's office in order to engage him to challenge the dismissal decision when they were arrested.

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, economics 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 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 Sudan to:

- a. put an end to all acts of harassment against Nabeel Adib Abdallah as well as other lawyers and human rights defenders in Sudan;
- b. guarantee in all circumstances the physical and psychological integrity of Nabeel Adib Abdallah;
- c. guarantee all the procedural rights that should be accorded to Nabeel Adib Abdallah and other human rights lawyers and defenders in Sudan; and
- d. 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 49,000 lawyers and 7,600 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:

Ambassador Mahomoud Fadl Abdelrasoul

354 Stewart Street  
Ottawa,  
Ontario  
K1N 6K8

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

Al-Tayeb Haroun, Chairman, Sudanese Bar Association

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

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

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

Dear [Name],

#### **Re: Harassment of human rights lawyer Nabeel Adib Abdallah**

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, Omar Hassan Ahmad al-Bashir, President of Sudan, expressing our deep concerns over reports of the harassment of lawyer Nabeel Adib Abdallah.

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 Ekua Quansah, Associate Counsel, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [equansah@lsuc.on.ca](mailto:equansah@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 49,000 lawyers and 7,400 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
- Al-Tayeb Haroun, Chairman, Sudanese Bar Association
- 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
- 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 grave concerns about the harassment of human rights lawyer Nabeel Adib Abdallah**

Nabeel Adib Abdallah is a prominent lawyer and rights activist. The Law Society has received reports that on 5 May 2016, Sudan's National Intelligence and Security Services (NISS) agents raided Nabeel Adib Abdallah's office, confiscating property and arresting several university students. The authorities have provided no justification for the raid and have not cited any specific charges, nor any other information about the removal of Nabeel Adib Abdallah's property. It is unclear whether Nabeel Adib Abdallah himself was also arrested at the scene.

The raid came after the Vice Chancellor of the University of Khartoum reportedly shut down the university indefinitely and dismissed 17 students for their involvement in recent human rights demonstrations. The students went to Nabeel Adib Abdallah's office in order to engage him to challenge the dismissal decision when they were arrested.

The Law Society of Upper Canada urges the government of Sudan 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 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 Sudan to:

- a. put an end to all acts of harassment directed toward Nabeel Adib Abdallah as well as other lawyers and human rights defenders in Sudan;

- b. guarantee in all circumstances the physical and psychological integrity of Nabeel Adib Abdallah;
- c. guarantee all the procedural rights that should be accorded to Nabeel Adib Abdallah and other human rights lawyers and defenders in Sudan;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 4.1.3

## PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

### JEAN KISUMBULE MUTEBA

His Excellency President Joseph Kabila Kabange  
Gombe, Kinshasa  
Democratic Republic of Congo

Dear President:

#### **Re: Murder of Lawyer Jean Kisumbule Muteba**

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

The Law Society received reports that on 27 February 2016 Jean Kisumbule Muteba, a lawyer in the Democratic Republic of Congo, was murdered at Bandalungwa, Kinshasa. The motivation for the crime remains unknown.

Edouard Mukendi Kalambayi, President of the Bar Association of Kinshasa/Gombe, called on national authorities to investigate the crime and bring the responsible individuals to justice. On 7 March 2016, the International Association of Lawyers (UIA) sent a letter to Edouard Mukendi Kalambayi expressing its support for a fulsome and impartial investigation. In their letter, the UIA noted the recent increase in assaults on lawyers and human rights defenders in the Democratic Republic of the Congo.

On 2 March 2016, Edouard Mukendi Kalambayi issued a press release reporting that Congolese authorities had made several commitments regarding Jean Kisumbule Muteba's murder. This movement followed protests from lawyers about the circumstances of the murder of Jean Kisumbule Muteba and about the safety of lawyers in general.

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, economics or other

sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

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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 the Democratic Republic of Congo to:

- a. conduct a fair, impartial and independent investigation into on the murder of Jean Kisumbule Muteba in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

.

Yours very truly,

Janet E. Minor  
Treasurer

*\*The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,600 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 Dominique Kilufya Kamfwa, Ambassador

Congolese (Dem) Embassy in Ottawa, Canada  
18 Range Road  
Ottawa, ON K1N 8J3  
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

President, National Bar Association, Democratic Republic of the Congo

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

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

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

Dear [Name],

#### **Re: Murder of lawyer Jean Kisumbule Muteba**

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, President Joseph Kabila Kabange, President of the Democratic Republic of Congo, expressing our deep concerns over reports of the murder of lawyer Jean Kisumbule Muteba.

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 Ekua Quansah, Associate Counsel, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [equansah@lsuc.on.ca](mailto:equansah@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 49,000 lawyers and 7,400 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
- President, National Bar Association, Democratic Republic of the Congo
- 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
- Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

## PROPOSED PUBLIC STATEMENT

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Edouard Mukendi Kalambayi, President of the Bar Association of Kinshasa/Gombe, called on national authorities to investigate the crime and bring the responsible individuals to justice. On 7 March 2016, the International Association of Lawyers (UIA) sent a letter to Edouard Mukendi Kalambayi expressing its support for a fulsome and impartial investigation. In their letter, the UIA noted the recent increase in the number of assaults on lawyers and human rights defenders in the Democratic Republic of the Congo.

On 2 March 2016, Edouard Mukendi Kalambayi issued a press release reporting that Congolese authorities had made several commitments regarding Jean Kisumbule Muteba's murder. This movement followed protests from lawyers about the circumstances of the murder of Jean Kisumbule Muteba and about the safety of lawyers in general.

The Law Society of Upper Canada urges the government of Democratic Republic of Congo 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, economics 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 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 the Democratic Republic of Congo to:

- a. conduct a fair, impartial and independent investigation into on the murder of Jean Kisumbule Muteba in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 4.1.4

## PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

### NEGAD EL-BORAI

Abdel Fattah el-Sisi  
President of the Arab Republic of Egypt  
Abedine Palace  
Cairo, Egypt

Dear President:

#### **Re: Harassment of lawyer Negad El-Borai**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the harassment of lawyer Negad El-Borai. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society received reports of the continued judicial harassment of Mr. Negad El-Borai, human rights lawyer and Director of the “United Group – Attorneys-at-law, Legal Advisors” (United Group).

According to the information received, Negad El-Borai was summoned to an investigation on 17<sup>th</sup> May 2016 in relation to a complaint filed by the High Judicial Council. The complaint relates to Negad El-Borai’s work on an anti-torture bill in March 2015, and his advocacy before the Egyptian authorities for its adoption in April 2015. The complaint also relates to a workshop that Negad El-Borai organized in order to discuss the proposed bill.

The investigation of 17<sup>th</sup> May 2016 represented the fifth such investigation in this case. Following the fourth investigation on 3 March 2016, he was arrested, released and charged with “establishing an unlicensed entity for the intent of inciting resistance to the authorities”, “implementing human rights activities without a license”, “deliberately spreading false information with the purpose of harming public order or public interest” and “receiving funds from the National Center for State Courts (NCSC)”.

On 17<sup>th</sup> May 2016, the Observatory for the Protection of Human Rights Defenders (the “Observatory”) published a letter condemning the ongoing judicial harassment of Negad El-Borai. Furthermore, the Observatory expressed its concern that human rights defenders and organizations fighting against torture in Egypt are being increasingly targeted by the authorities. The letter also noted that the criminalization of anti-torture work comes in the context of a dramatic deterioration of the human rights situation in Egypt, which has been marked by a crackdown on civil society and an increase in reported cases of torture, deaths in detention and disappearances.

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

The Law Society urges the government of Egypt to:

- a. put an end to all acts of harassment against Negad El-Borai as well as other lawyers and human rights defenders in Egypt;
- b. Immediately and unconditionally withdraw all charges against Negad El-Borai;
- c. guarantee all the procedural rights that should be accorded to Negad El-Borai and other human rights lawyers and defenders in Egypt;
- d. 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 49,000 lawyers and 7,600 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:

Moataz Mounir Moharram Zahran  
Ambassador of the Arab Republic of Egypt  
454 Laurier Avenue East  
Ottawa  
ON K1N 6R3

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

President, Egyptian Bar Association

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

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

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

Dear [Name],

#### **Re: Harassment of lawyer Negad El-Borai**

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, Abdel Fattah el-Sisi, President of the Arab Republic of Egypt, expressing our deep concerns over reports of the harassment of lawyer Negad El-Borai.

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 Ekua Quansah, Associate Counsel, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [equansah@lsuc.on.ca](mailto:equansah@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:

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- Mary Lawlor, Executive Director, Front Line Defenders
- Vincent Forest, Head of European Union Office, Front Line Defenders

- Kenneth Roth, Executive Director, Human Rights Watch
- President, Egyptian Bar Association
- 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
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## PROPOSED PUBLIC STATEMENT

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According to the information received, Negad El-Borai was summoned to an investigation on 17<sup>th</sup> May 2016 in relation to a complaint filed by the High Judicial Council. The complaint relates to Negad El-Borai’s work on an anti-torture bill in March 2015, and his advocacy before the Egyptian authorities for its adoption in April 2015. The complaint also relates to a workshop that Negad El-Borai organized in order to discuss the proposed bill.

The summons of 17<sup>th</sup> May 2016 was the fifth of its kind: Negad El-Borai was summoned to four previous investigations in the same case. Following the fourth investigation on 3 March 2016, he was arrested, released and charged with “establishing an unlicensed entity for the intent of inciting resistance to the authorities”, “implementing human rights activities without a license”, “deliberately spreading false information with the purpose of harming public order or public interest” and “receiving funds from the National Center for State Courts (NCSC)”.

On 17<sup>th</sup> May 2016, the Observatory for the Protection of Human Rights Defenders (the “Observatory”) published a letter condemning the ongoing judicial harassment of Negad El-Borai. Furthermore, the Observatory expressed its concern that human rights defenders and organizations fighting against torture in Egypt are being increasingly targeted by the authorities. The letter also noted that the criminalization of anti-torture work comes in the context of a dramatic deterioration of the human rights situation in Egypt, which has been marked by a crackdown on civil society and an increase in reported cases of torture, deaths in detention and disappearances.

The Law Society of Upper Canada urges the government of Egypt 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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Egypt to:

- a. put an end to all acts of harassment against Negad El-Borai as well as other lawyers and human rights defenders in Egypt;
- b. Immediately and unconditionally withdraw all charges against Negad El-Borai;
- c. guarantee all the procedural rights that should be accorded to Negad El-Borai and other human rights lawyers and defenders in Egypt;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 4.1.5

## PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

### TAIMOOR KARIMI

His Highness Shaikh Khalifa Bin Salman Al Khalifa  
Prime Minister's Office  
P.O. Box 1000  
Government Road  
Manama  
Kingdom of Bahrain

Dear Prime Minister:

#### **Re: Harassment and imminent expulsion of lawyer Taimoor Karimi**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the harassment and imminent expulsion of lawyer Taimoor Karimi. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Taimoor Karimi is a Shi'ite Muslim lawyer who took part in Bahrain's pro-democracy protests in 2011 and defended some of the prominent activists who were jailed afterwards. In 2014, Taimoor Karimi was one of ten individuals whose Bahraini citizenship was withdrawn without due process. Bahraini authorities have obstructed Taimoor Karimi's right of appeal and refused to justify the decision to revoke his citizenship. Taimoor Karimi has fought the order for three years, during which time he has lost his government issued identification, job and bank account.

On 10 August 2014, the public prosecutor issued a court summons to Taimoor Karimi for "violations of asylum and immigration law" that include remaining in Bahrain without the residence license that all non-nationals over 16 are required to have. Since the Appeal Court in Manama upheld his sentence on 23 May 2016, he has been at imminent risk of expulsion from Bahrain.

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, economics 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 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 Bahrain to:

- a. immediately reinstate Taimoor Karimi's citizenship;
- b. put an end to all acts of harassment against Taimoor Karimi as well as other lawyers and human rights defenders in Bahrain;
- c. Immediately and unconditionally withdraw all charges against Taimoor Karimi;
- d. guarantee all the procedural rights that should be accorded to Taimoor Karimi and other human rights lawyers and defenders in Bahrain;
- 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

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cc:

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

President, Bahrain Bar Association

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

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

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

Dear [Name],

#### **Re: Harassment and imminent expulsion of lawyer Taimoor Karimi**

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 Highness, Shaikh Khalifa Bin Salman Al Khalifa, Prime Minister of Bahrain, expressing our deep concerns over reports of the harassment and imminent expulsion of lawyer Taimoor Karimi.

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 Ekua Quansah, Associate Counsel, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to [equansah@lsuc.on.ca](mailto:equansah@lsuc.on.ca).

I thank you for your time and consideration.

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Chair, Human Rights Monitoring Group

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Letter to be sent to:

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

- Kenneth Roth, Executive Director, Human Rights Watch
- President, Bahrain Bar Association
- 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
- 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 grave concerns about the harassment and imminent expulsion of lawyer Taimoor Karimi**

Taimoor Karimi is a Shi'ite Muslim lawyer who took part in Bahrain's pro-democracy protests in 2011 and defended some of the prominent activists who were jailed afterwards. In 2014, Taimoor Karimi was one of ten individuals whose Bahraini citizenship was withdrawn without due process. Bahraini authorities have obstructed Taimoor Karimi's right of appeal and refused to justify the decision to revoke his citizenship. Taimoor Karimi has fought the order for three years, during which time he has lost his government issued identification, job and bank account.

On 10 August 2014, the public prosecutor issued a court summons to Taimoor Karimi for "violations of asylum and immigration law" that include remaining in Bahrain without the residence license that all non-nationals over 16 are required to have. Since the Appeal Court in Manama upheld his sentence on 23 May, he has been at imminent risk of expulsion from Bahrain.

The Law Society of Upper Canada urges the government of Bahrain 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, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

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The Law Society urges the government of Bahrain to:

- a. immediately reinstate Taimoor Karimi's citizenship;

- b. put an end to all acts of harassment against Taimoor Karimi as well as other lawyers and human rights defenders in Bahrain;
- c. Immediately and unconditionally withdraw all charges against Taimoor Karimi;
- d. guarantee all the procedural rights that should be accorded to Taimoor Karimi and other human rights lawyers and defenders in Bahrain;
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

**TAB 4.2**

**FOR INFORMATION**

**HUMAN RIGHTS MONITORING GROUP  
RESPONSES TO INTERVENTIONS**

32. The Human Rights Monitoring Group (“the Monitoring Group”) monitors cases of members of the legal profession and the judiciary who are facing persecution as a result of the discharge of their legitimate professional duties. When appropriate, the Monitoring Group prepares intervention letters and public statements related to these cases for Convocation’s approval. Intervention letters are sent to heads of state and are copied, for information, to relevant bar associations, human rights organizations and, when contact information is available, to the lawyers and/or judges who are the subjects of the interventions.
33. In May 2016, the Monitoring Group received three responses to the Law Society’s recent intervention letters:
- The Monitoring Group received a response from the Bar Council of India regarding the case of lawyers [Shalini Gera and Isha Khandewal](#) (India).
  - The Monitoring Group received correspondence directly from Shalini Gera and Isha Khandelwal thanking the Law Society for its intervention in their case.
  - The Monitoring Group received a response directly from lawyer [Sirikan Charoensiri](#) (Thailand), thanking the Law Society for its intervention and providing additional information about her case.

## **EQUITY LEGAL EDUCATION AND RULE OF LAW SERIES CALENDAR 2016**

32. The Equity Legal Education and Rule of Law Series calendar is presented at [TAB 4.3.1](#).

TAB 4.3.1

## EQUITY LEGAL EDUCATION AND RULE OF LAW SERIES CALENDAR

Summer 2016

### CELEBRATION OF INDIGENOUS PEOPLES EVENT

**Date: June 23, 2016**

**Time and Location:**

Panel Discussion: 3:00 – 5:00 p.m.\*

Reception: 5:00 – 6:00 p.m.

Osgoode Hall, 130 Queen St. W., Toronto

\*This program will also be available as a live webcast

**Description:**

**What Does Reconciliation Mean to You?**

In honour of National Aboriginal History Month, join the Law Society and partners for the Celebration of Indigenous Peoples Event.

This event will feature presentations from the following participants:

- Jeffery Hewitt (Osgoode Hall Law School)
- Sarah Morales (University of Ottawa, Faculty of Law)
- Andrée Boisselle (Osgoode Hall Law School)
- Deborah McGregor (Osgoode Hall Law School)
- Kathleen Lickers (Indigenous Advisory Group to the Law Society)

Presentations will be facilitated by Dianne Corbiere, Law Society Benchler, on a number of topics related to reconciliation, including:

- What are law schools and the Law Society doing to respond to the Truth and Reconciliation Calls to Action?
- How can training promote Intercultural competence?
- How do we understand Indigenous legal perspectives as a basis for achieving reconciliation?
- Is reconciliation grounded in the land?
- How can you advance reconciliation through the practice of law?

**Additional information available at the following link:**

<http://www.lawsocietygazette.ca/event/nahm-2016/>

## **PRIDE WEEK EVENT**

**Date:** June 28, 2016

**Time and Location:**

Panel Discussion: 5:30 – 7:00 p.m.\*

Reception: 7:00 – 8:00 p.m.

Osgoode Hall, 130 Queen St. W., Toronto

\*This program is also available as a live webcast

**Description:** June 2016 will mark the first-ever Pride Month in Canada. Join the Law Society of Upper Canada and the Sexual Orientation and Gender Identity Law Section of the Ontario Bar Association for a program in honour of this important occasion.

**Additional information available at the following link:**

<http://www.lawsocietygazette.ca/event/pride-2016/>