



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

February 23, 2017

Office of the Treasurer

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H.E. Mr. Danilo Medina  
President of the Dominican Republic  
Avenida México,  
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Santo Domingo  
República Dominicana

Your Excellency:

**Re: Harassment of lawyer Noemi Mendez**

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

Noemi Mendez is a prominent human rights lawyer known for her advocacy on behalf of migrant workers and Dominicans of Haitian descent. She has represented several individuals affected by the September 2013 judgment of the Constitutional Court which arbitrarily and retroactively deprived generations of people born and raised in the Dominican Republic of their Dominican nationality.

Upon the release of the aforementioned judgment, a number of human rights lawyers who criticized the decision were subjected to threats and other acts of intimidation. The situation has not improved since – human rights lawyers working to overturn the ruling are regularly targeted through smear campaigns, harassment on social media, criminalisation and violent attacks.

It is the Law Society's understanding that on December 12, 2016, Noemi Mendez arrived at work to find that the glass entrance door of her office in San Pedro de Macorís had been broken. No valuables appeared to have been taken and nothing seemed to be missing. That said, this damage to her property does not appear to be an isolated incident, as her car had been vandalized just a month prior.

The Law Society is deeply concerned about the harassment of Noemi Mendez and urges Your Excellency to comply with the Dominican Republic's obligations

under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

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

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

Article 17 states:

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

Article 18 states:

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

The Law Society urges the Government of the Dominican Republic to:

- a. put an end to all acts of harassment against Noemi Mendez and all other human rights lawyers and defenders in the Dominican Republic;
- b. ensure that a thorough, impartial, independent and fair investigation is conducted into the acts of intimidation against Noemi Mendez;
- c. guarantee in all circumstances the physical and psychological integrity of Noemi Mendez; and

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

Yours truly,

Paul B. Schabas  
Treasurer

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

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

cc:

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

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