



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

FACILITATING INTERNATIONAL ACCESS TO JUSTICE THROUGH INTERVENTION

Human Rights Monitoring Group

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BACKGROUND

“Nothing is more important than justice and the just society. It is essential to flourishing of men, women and children and to maintaining social stability and security. You need only open your newspaper to the international section to read about countries where the rule of law does not prevail, where the justice system is failing or non-existent.”¹

— Right Honourable Beverley McLachlin, P.C.
Chief Justice Supreme Court of Canada

1. Basic human rights cannot be guaranteed by law in the absence of the rule of law. They are interdependent and bound together by justice. Safeguarding these rights requires vigilant advocates both at home and abroad. Only through an independent legal profession where lawyers and judges perform their legitimate professional duties without undue or illegal interference can human rights and the rule of law prevail.
2. Unfortunately, lawyers and judges around the world working to uphold the rule of law and defend human rights work under threat of not only professional sanctions, but also threats to personal safety. Yet they continue their work to ensure that members of their communities can access justice and advance their legal rights in the hopes that those rights might prevail.
3. The Law Society has a duty to maintain and advance the cause of justice and the rule of law. Central to advancing both the cause of justice and the rule of law is ensuring access to justice for all.
4. The *Law Society Act*² requires the Law Society to facilitate access to justice for

¹ Right Honourable Beverley McLachlin, P.C., “The Challenges We Face” (Speech delivered at the Empire Club of Canada, Toronto, 8 March 2007), online:<<http://www.scc-csc.gc.ca/court-cour/judges-juges/spe-dis/bm-2007-03-08-eng.aspx>>.

² *Law Society Act*, RSO 1990, c L8

Ontarians. However, the Law Society's commitment to access to justice issues is not limited solely to the province of Ontario; it extends to the international community.

5. This report provides an overview of the work of the Human Rights Monitoring Group (the "Monitoring Group") over the years from an access to justice perspective. This will be accomplished by outlining the types of clients served by the lawyers on whose behalf the Monitoring Group has intervened. Lawyers who are persecuted by authorities are often advocates for human rights. Such lawyers also represent vulnerable clients who have no alternative means of accessing legal services.
6. Judges are also included in this report. Often, presiding judges who are persecuted in the course of their duties focus on facilitating access to justice by advocating for an independent judiciary and promoting the rule of law.
7. This report is divided as follows:
 - a. The mandate of the Monitoring Group;
 - b. The United Nations' focus on access to justice;
 - c. An overview of access to justice trends globally in relation to the Law Society's interventions;
 - d. International human rights advocates expanding access to justice; and
 - e. The response to the Law Society's interventions.

THE MANDATE OF THE MONITORING GROUP

8. In light of the Law Society's mandate to uphold the rule of law and facilitate access to justice, Convocation approved, in March 2006, "a policy to systematically respond to the human rights violations that target members of the legal profession and judiciary in retribution for the discharge of their legitimate professional duties", and "that a group of benchers be charged with monitoring

human rights violations that target members of the legal profession and judiciary in retribution for the discharge of their legitimate professional duties”.³ The policy was based on a report by a working group chaired by bencher Paul Copeland and the initiative was championed by bencher Heather Ross through the Emerging Issues Committee.

9. The mandate of the Monitoring Group, as approved by Convocation, is 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.
10. The Monitoring Group is also mandated to explore the possibility of developing a network of organizations, and work collaboratively with them, to address human rights violations against judges and lawyers.

THE UNITED NATIONS’ FOCUS ON ACCESS TO JUSTICE

11. The United Nations Development Program (“UNDP”) has stated that “[i]n the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.”⁴
12. Globally, there is an increasing focus on access to justice issues. Without access to justice, the larger movement towards eradicating poverty, promoting equality, increasing educational outcomes, ensuring environmental sustainability, and

³ Emerging Issues Committee, Law Society of Upper Canada, *Report to Convocation* (Toronto: Law Society of Upper Canada, 23 March 2006) online: <http://www.lsuc.on.ca/media/convmar06_emerging_issues.pdf> at 4.

⁴ UNDP, *Fast Facts: Justice and Security*, UN Doc, July 2011, online: <http://www.undp.org/content/undp/en/home/librarypage/results/fast_facts/fast_facts_justiceandsecurity/>.

improving health by combating HIV/AIDS, malaria and other diseases suffers. These are just a few of the United Nations Millennium Development Goals. International human rights standards are integral in protecting vulnerable populations such as women, persons with disabilities and minorities.⁵

13. Although the UNDP's report, *Strengthening Judicial Integrity through Enhanced Access to Justice*, focused on access to justice issues for women, persons with disabilities and minorities, they observed a number of factors that barred vulnerable persons and groups from accessing justice. These factors ranged from "discrimination, poverty, low institutional trust or confidence in the process, lack of capacity, language barriers, weak access to information, or living in remote areas with a lack of judicial facilities."⁶

OVERVIEW OF GLOBAL ACCESS TO JUSTICE TRENDS

14. We reviewed the Law Society's more than 150 interventions on behalf of members of the legal profession and the judiciary from September 2007 to December 2016. Our findings show a trend: clients of persecuted lawyers are often vulnerable individuals with very limited access to legal representation, and cases involving judges often challenge corruption or advocate for the rule of law.
15. Many of the lawyers in the more than 150 cases canvassed were persecuted, harassed, imprisoned and, in some cases, killed for:
 - a. representing clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.;
 - b. challenging government actions on behalf of groups or human rights organizations;
 - c. defending clients involved in politically charged cases; or

⁵ UNDP, *Strengthening Judicial Integrity through Enhanced Access to Justice*, UN Doc, 2013 at 8 – 9.

⁶ *Supra* note 5.

- d. advocating for prisoners of conscience who were imprisoned for exercising their democratic rights.
16. In the few cases involving judges, the judges were subjected to adverse treatment for:
- a. advocating for judicial independence;
 - b. promoting the rule of law; and/or
 - c. challenging corruption.
17. It should be noted at the outset that though we have categorized the cases as best we could, some may fall under multiple headings. Moreover, in some cases, the **overall** nature of the lawyer's work (i.e., not any one case or particular client) may have been the cause of the adverse treatment to which he/she was subjected. Below, the cases in which the Law Society has intervened have been briefly summarized and organized in accordance with the categories set out above.

Lawyers

Representing clients who are vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc.

18. On numerous occasions, the Law Society has intervened on behalf of lawyers whose clients are particularly vulnerable because of their religion, ethnicity, race, socioeconomic status, sex/gender, sexual orientation, etc. In some cases, individuals from minority religious or ethnic communities are unable to secure legal representation.

China

Chen Guangcheng

19. In 2006, the Law Society intervened on behalf of Chen Guangchen, a human rights lawyer who is known for advocating for women's rights, land rights and the welfare of the poor. Chen Guangcheng is one of China's most prominent human rights defenders. He organized a landmark class action suit against authorities in Linyi, Shangdong province for the excessive enforcement of the one-child policy.⁷
20. Since escaping China, Chen Guangchen has been living in the United States where he has been granted asylum. He continues to lecture and speak out on human rights issues and the need for legal reform in support of China's vulnerable populations.

Gao Zhisheng

21. In 2006, 2007 and 2014, the Law Society intervened on behalf of Gao Zhisheng, a human rights lawyer who regularly worked on cases involving the persecution of religious minorities (including Falun Gong practitioners and those associated with the unofficial "house church" movement⁸) and was known for defending activists and documenting human rights abuses in China.⁹
22. Gao Zhisheng's legal practice also focused on obtaining justice for the most vulnerable and disenfranchised members of society. Among other things, he: advocated for fair compensation on behalf of a client whose home was expropriated for a building project connected to the 2008 Summer Olympics; took on a land dispute case against Taishi village officials; worked on a class action against local authorities over coercion in the implementation and enforcement of China's family planning policies; successfully argued the case of six factory workers from Guangdong province who were detained for protesting exploitation

⁷ Law Society of Upper Canada, "Guangcheng Letter of Intervention and Public Statements" (October 2006).

⁸ Front Line Defenders, "Gao Zhisheng", online: <<https://www.frontlinedefenders.org/en/profile/gao-zhisheng>>.

⁹ Law Society of Upper Canada, "Zhisheng Letters of Intervention and Public Statements" (October 2006, May 2007 and April 2014).

by their employer; and worked to defend the right to free expression by appealing the sentence of Zheng Yichun, a journalist and former professor who was sentenced to seven years imprisonment for his online writings.¹⁰

23. For this and other human rights-related work, Gao Zhisheng has been forcibly disappeared numerous times and brutally tortured. His law practice was shut down in 2005; the following year, he was found guilty of “inciting subversion of state power” and placed under house arrest.¹¹ In February 2009, while ostensibly free on probation, Gao Zhisheng was taken from a relative's home and was not heard from until March 2010. He disappeared again in April 2010. In August 2014, he was released from prison but has, since then, remained under extremely tight surveillance and house arrest, cut off from contact with the outside world.¹²

Ni Yulan

24. In 2013 and again in 2016, the Law Society intervened on behalf of Ni Yulan, an outspoken human rights lawyer and activist.
25. For many in China, the preparation for the 2008 Olympic Games brought about mass evictions and illegal demolitions. Since 2001, much of Ni Yulan’s legal practice has focused on representing individuals who were forcibly evicted from their homes (often without compensation¹³) by housing developers across China.¹⁴ Ni Yulan’s advocacy gave voice to those people unable to challenge developers and authorities. She has been beaten, imprisoned, harassed and threatened for her work.

¹⁰ *Ibid.*

¹¹ Front Line Defenders, “Gao Zhisheng”, online: <<https://www.frontlinedefenders.org/en/profile/gao-zhisheng>>. See also: Front Line Defenders, “Case History: Gao Zhisheng”, online: <<https://www.frontlinedefenders.org/en/case/case-history-gao-zhisheng>>.

¹² *Ibid.*

¹³ Lawyers for Lawyers (L4L), “China: Lawyer acting against illegal expropriation of homes severely mistreated and arrested and detained several times” (2013), online:<<http://www.advocatenvooradvocaten.nl/lawyers/ni-yulan>>.

¹⁴Law Society of Upper Canada, “Ni Yulan Letter of Intervention and Public Statements” (September 2013).

Shu Xiangxin

26. In February 2016, the Law Society intervened on behalf of Shu Xiangxin, a lawyer and human rights advocate. He was the director of Shandong Xuzhou Law Firm and regularly appeared on behalf of displaced farmers and individuals charged with attempting to extort the government for seeking compensation from the state for various abuses.¹⁵
27. According to reports, Shu Xiangxin was arrested on January 2, 2016.¹⁶ During his pre-trial detention, he was denied access to legal counsel and subjected to a severe beating. It was also reported that Shu Xiangxin was denied adequate clothing, toilet facilities, medical treatment, food and water.¹⁷
28. On January 8, 2016, Shu Xiangxin was, without being given an opportunity to present a defence, convicted of defamation and sentenced to a six-month jail term. His licence to practice law was also revoked.¹⁸

Tang Jingling

29. In September 2014, the Law Society intervened on behalf of Tang Jingling, a human rights lawyer who has fought for the rights of victims of land appropriation and has challenged government corruption in China. As a result of his participation in the Taishi Village case (which sought the removal of corrupt officials from government), his law licence was revoked in 2006. Tang Jingling then became involved in a non-violent civil disobedience movement in China. He is also a signatory of “Charter 08”, a document that calls for certain reforms in China, including the establishment of an independent legal system. As a result of his work, Tang Jingling has been subjected to frequent police harassment and interrogation.

¹⁵ Lawyers’ Rights Watch Canada, “China: Arbitrary Conviction and Sentencing of Mr. Shu Xiangxin | Letter” (27 January 2016), online: <<http://www.lrwc.org/china-arbitrary-conviction-and-sentencing-of-mr-shu-xiangxin-letter/>>.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

30. In 2012, he was detained for five days following his investigation of the suspicious death of human rights defender Li Wangyang. In May 2014, Tang Jingling was detained for “picking quarrels and provoking trouble”; in June 2014, the charge was elevated to “inciting subversion of state power”. In January 2016, he was sentenced to five years in prison for promoting non-violent civil disobedience in China.¹⁹

Zhang Kai

31. Zhang Kai is a human rights lawyer known for defending churches in China that were being forced to remove their crosses and crucifixes.²⁰ He is also known for representing and campaigning on behalf of the disadvantaged. One such individual was Feng Jianmei, a woman forced by government authorities to have an abortion in 2012.²¹
32. Zhang Kai was arrested in August 2015 while advising a congregation that was ordered to remove the cross from their church and just hours before he was scheduled to meet an American State Department official to discuss religious freedom in China. In February 2016, Zhang Kai appeared on state television in a taped confession. After the broadcast, he was charged with “endangering state secrets” and “gathering a crowd to disturb public order”. According to reports, Zhang Kai was released on March 23, 2016 and safely returned to his hometown in Inner Mongolia. The reasons for his sudden release are unknown.
33. The Law Society intervened on Zhang Kai’s behalf in May 2016.

Lawyers Providing Legal Aid

34. In 2008, the Law Society intervened on behalf of Chinese lawyers providing legal aid to the victims of contaminated milk powder products. On September 11, 2008, the first toxic milk powder case became public. Contaminated milk powder

¹⁹ Front Line Defenders, “Tang Jingling”, online: <<https://www.frontlinedefenders.org/en/profile/tang-jingling>>.

²⁰ “Chinese Lawyer Who Was Detained While Defending Churches Is Released”, *The New York Times* (25 March 2016).

²¹ Yan Shuang, “Fury over ‘forced abortion’”, *Global Times* (14 June 2012), online: <<http://www.globaltimes.cn/content/714855.shtml>>.

products placed over 50,000 infants at risk of contracting kidney stones and led to the deaths of four children. The powdered milk was tainted with melamine, a chemical used in making plastics.²²

35. By September 24, 2008, about 124 lawyers offered pro bono legal services to the victims. Lawyers and law firms providing legal aid were intimidated and warned not to take these cases by Chinese authorities. At least two dozen lawyers withdrew their services following pressure from the government. Without legal representation many victims would be unable to seek justice for their children.²³

Large Group of Human Rights Lawyers

36. In July 2015, the Law Society intervened on behalf of a large number of human rights lawyers who were criminally detained. Among those detained were Wang Yu, Zhou Shifeng, Wang Quanzhang, Huang Liqun, Sui Muqing, Xie Yang, Bao Longjun and Li Heping.
37. Wang Yu, who was formally arrested on suspicion of “subversion of state power”, has defended feminist activists (including the women’s rights group Feminist Five and Li Tingting, a women’s rights advocate who was detained over a planned protest against sexual harassment on public transportation), members of the banned spiritual movement Falun Gong, and Ilham Tohti, the respected Uighur academic who was sentenced to life in prison in 2014 for inciting separatism.²⁴ In 2013, Wang Yu travelled to the southern island of Hainan to help the families of six schoolgirls who had allegedly been sexually assaulted by their headmaster. In 2014, she represented Cao Shunli, a grassroots human rights defender who died in detention following denial of adequate medical access by Chinese

²² Austin Ramzay and Lin Yang, “Tainted-Baby-Milk Scandal in China”, *Time.com* (16 September 2008), online: <<http://content.time.com/time/world/article/0,8599,1841535,00.html>>.

²³ Law Society of Upper Canada, *Report to Convocation* by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 30 October 2008) at 6 – 7.

²⁴ Chris Buckley, “China Arrests Rights Lawyer and Her Husband on Subversion Charges”, *The New York Times* (13 January 2016), online: <http://www.nytimes.com/2016/01/14/world/asia/china-rights-lawyer-wang-yu.html?_r=0>.

authorities.²⁵ On June 4, 2016, Wang Yu was awarded the Ludovic Trarieux International Human Rights Prize.²⁶

38. Zhou Shifeng, head of the Fengrui Law Firm and a prominent human right lawyer, was found guilty of subverting state power and sentenced to seven years in prison.²⁷ He is a key member of the “rights defense movement” which has tried to challenge state power through litigation and publicity. In 2008, he sued one of China’s largest dairy producers on behalf of a victim of the contaminated milk scandal; in 2014, he represented Tie Liu, an 81-year-old writer who was arrested following online criticism of the Chinese government. In 2015, Zhou Shifeng publicly announced his intention to establish a "China Lawyers' Rights Defence Fund" which would provide financial assistance to family members of detained lawyers.²⁸
39. Wang Quanzhang is a human rights lawyer and an employee at the Fengrui Law Firm. His legal work to date has included defending Falun Gong practitioners, representing villagers in cases involving corrupt local officials, and providing legal counsel to investigative journalists, democracy advocates and fellow rights activists such as Ni Yulan, whose treatment in police custody in 2010 left her confined to a wheelchair.²⁹ Wang Quanzhang was also a former member of Chinese Urgent Action Working Group, a team of human rights defenders composed of Chinese academics, lawyers, and political professionals who worked to protect human rights defenders in peril and facing political persecution for their work.³⁰ The organization was founded in 2009 and shut down operations

²⁵ Front Line Defenders, “Wang Yu”, online: <<https://www.frontlinedefenders.org/en/profile/wang-yu>>.

²⁶ The Ludovic-Trarieux Prize, “The XXIst Ludovic-Trarieux Human Rights International Prize 2016”, online: <<http://www.ludovictrarieux.org/uk-page3.callpt2016.htm>>.

²⁷ Javier C. Hernandez, “Zhou Shifeng, Chinese Lawyer, Is Sentenced to 7 Years for Subversion”, *The New York Times* (4 August 2016), online: <http://www.nytimes.com/2016/08/05/world/asia/china-zhou-shifeng-sentence.html?_r=0>.

²⁸ Front Line Defenders, “Zhou Shifeng”, online: <<https://www.frontlinedefenders.org/en/profile/zhou-shifeng>>.

²⁹ Michael Caster & Peter Dahlin, “China should be proud of Wang Quanzhang - instead it persecutes him”, *The Guardian* (23 September 2016), online: <<https://www.theguardian.com/world/commentisfree/2016/sep/23/china-should-be-proud-of-wang-quanzhang-instead-it-persecutes-him>>; Front Line Defenders, “Wang Quanzhang”, online: <<https://www.frontlinedefenders.org/en/profile/wang-quanzhang>>.

³⁰ Chinese Urgent Action Working Group, “About Us”, online: <<http://cuawg.wikidot.com/about-us>>.

- in 2016 when it was targeted by the Chinese government.³¹ Wang Quanzhang has been harassed, intimidated and beaten as a result of his work.³²
40. Huang Liqun is a human rights lawyer at the Fengrui Law Firm.³³ The firm and its lawyers are well known for handling high-profile human rights cases.
 41. Sui Muqing is a Guangzhou-based human rights lawyer who has defended many fellow human rights defenders, including Guo Feixiong. As a result of his work, he has been subjected to harassment, interrogation, detention and travel bans.³⁴
 42. Xie Yang is a Hunan-based human rights lawyer who has worked on many politically sensitive cases. His previous clients include activist Xue Mingkai, arrested in 2011 during the “Jasmine Crackdown”; New Citizens’ Movement activist Zhang Baocheng, who was imprisoned in 2014; and “Southern Street Movement” activist Xie Wenfei, seized during the 2014 clampdown on mainland supporters of the Hong Kong pro-democracy protests. In early 2014, Xie Yang criticized the violent assaults against four human rights lawyers in retaliation for defending their clients. More recently, Xie Yang represented the family of a petitioner shot to death by police in Qing’an, Heilongjiang in May 2015.³⁵
 43. Bao Longjun is a legal activist who has helped citizens in Beijing defend against the expropriation of their land or property.³⁶
 44. Li Heping has represented activists, dissident writers, farmers whose property had been expropriated, and other human rights lawyers. He has also represented underground church members and Falun Gong practitioners who had been persecuted. In 2001, he defended Yang Zili, a university student charged with “subversion of state power” and later jailed for posting articles online about reforms and democracy. In 2005, on behalf of the blind, self-taught lawyer Chen

³¹ ³¹ Michael Caster & Peter Dahlin, “China should be proud of Wang Quanzhang - instead it persecutes him”, *The Guardian* (23 September 2016), online: <<https://www.theguardian.com/world/commentisfree/2016/sep/23/china-should-be-proud-of-wang-quanzhang-instead-it-persecutes-him>>.

³² Front Line Defenders, “Wang Quanzhang”, online: <<https://www.frontlinedefenders.org/en/profile/wang-quanzhang>>.

³³ Front Line Defenders, “Huang Liqun”, online: <<https://www.frontlinedefenders.org/en/profile/huang-liqun>>.

³⁴ Front Line Defenders, “Sui Muqing”, online: <<https://www.frontlinedefenders.org/en/profile/sui-muqing>>.

³⁵ Chinese Human Rights Defenders, “Xie Yang”, online: <<https://www.nchrd.org/2016/09/xie-yang/>>.

³⁶ Front Line Defenders, “Bao Longjun”, online: <<https://www.frontlinedefenders.org/en/profile/bao-longjun>>.

Guangcheng, Li Heping filed complaints against officials in Shandong Province, where Chen lived, seeking government accountability for human rights abuses. Also in 2005, he appealed to the Beijing Bureau of Judicial Affairs on behalf of vocal human rights lawyer Gao Zhisheng after Gao's licence was suspended by the bureau. In 2006, Li Heping defended Tan Kai, an environmentalist and founder of "The Green Watch" and one of the leaders of the "San Ban Pu Ren" (a Christian sect that the Chinese government labeled as a "cult") who was sentenced to death and executed in December 2006. That same year, he took on a Falun Gong case where he argued that it is unconstitutional for the government to label a religion a "cult," religion and state should be separated, and an individual has the right to his/her beliefs. Li Heping also pushed for the abolition of torture in China, producing writings and a booklet on anti-torture topics and giving legal assistance in torture cases.

45. Li Heping has been widely recognized for his daring human rights defence efforts. He was named a vanguard human rights lawyer by the international magazine *Asia Weekly* in 2005. In 2008, National Endowment for Democracy gave him the Democracy Award for Religious Freedom, while The Council of Bars and Law Societies of Europe honored him with the Human Rights Award.³⁷

Colombia

José Humberto Torres

46. After receiving reports of the bounty offered by paramilitary groups for the assassination of lawyer José Humberto Torres, the Law Society intervened on his behalf in May 2012.
47. José Humberto Torres, a distinguished Colombian human rights defender, is known for defending political prisoners and fellow human rights defenders on behalf of the Fundación Comité de Solidaridad con los Presos Políticos (Political Prisoners Solidarity Committee). That said, his work as a lawyer and advocate is

³⁷ Chinese Human Rights Defenders, "Li Heping", online: <<https://www.nchrd.org/2015/08/prisoner-of-conscience-li-heping/>>.

broad and wide-reaching. José Humberto Torres was involved in a case against Jorge Noguera, the former director of the Colombian Intelligence Agency, for his involvement in the assassination of Professor Alfredo Correa de Andreis. He also called for a criminal investigation into the ties between members of Congress and paramilitary groups, and their alleged involvement in various crimes. Furthermore, he participated in various cases against army leaders for alleged human rights violations, and it was because of his outspoken advocacy on behalf of victims of extrajudicial killings that paramilitary groups called for his assassination.³⁸

William Cristancho Duarte

48. In January 2011, the Law Society intervened on behalf of lawyer William Cristancho Duarte. William Cristancho Duarte's work focuses on seeking justice for victims of the extrajudicial executions that were carried out by military groups during Colombia's armed conflict. As a result of his work, he has received death threats and was the target of an assassination attempt.³⁹

The Democratic Republic of the Congo

Jean Kisumbule Muteba

49. There is little information on Jean Kisumbule Muteba's legal work. That being said, he is listed in a report drafted by an organization called Defence for Children International as an "expert" at the Human Rights Ministry of the Democratic Republic of Congo.⁴⁰ The aforementioned report contains information on how state parties, including the Democratic Republic of Congo, are implementing the United Nations' *Convention on the Rights of the Child*.

³⁸ Law Society of Upper Canada, "José Humberto Torres Letter of Intervention and Public Statement" (28 May 2012).

³⁹ Law Society of Upper Canada, "William Cristancho Duarte Letter of Intervention and Public Statement" (4 February 2011).

⁴⁰ Defence for Children International, 50th session of the UN Committee on the Rights of the Child – Informational Notes on Juvenile Justice related issues (February 2009), online: <http://www.defenceforchildren.org/wp-content/uploads/2010/04/DCI_CRC%20Report_50thSession.pdf>.

50. Upon learning that Jean Kisumbule Muteba had been murdered outside his home on February 20, 2016, the Law Society called on the government of the Democratic Republic of Congo to fully and fairly investigate his murder; to identify, bring to trial, and sanction the culprit(s); and to ensure the safety and security of all lawyers within its jurisdiction.

Egypt

Mahienour El-Massry

51. Mahienour El-Massry is an Egyptian human rights lawyer and political activist who has advocated for the rights of political detainees/prisoners, participated in many labour movements, and provided legal assistance to Syrian and Palestinian refugees in Egypt.⁴¹ Considered “a voice of [Egypt’s] revolution and a champion of women’s rights”,⁴² her activism and advocacy are broad in scope. According to one article,

There was not a single struggle that was off limits for Mahienour: human rights, student rights, women’s rights, labor strikes, legal aid, anti-police brutality, housing for the poor, corruption, anti-military trials, heritage preservation, right to the public space, state-led land reclamation from the poor, climate change, street children’s rights, Syrian refugees; the list goes on.

Mahienour was always there, sleeping next to Syrian refugees in police stations to ensure they did not get tortured or deported, advocating for the twenty-one female supporters of the Brotherhood who were sentenced (and later acquitted) to eleven years in jail, and locating missing persons through the security labyrinth. Mahienour would rush to defend the victim’s rights—regardless of affiliation—and attend the funeral of people she had

⁴¹ “The 19th ‘Ludovic-Trarieux’ Human Rights Prize 2014”, online: <<http://www.ludovictrarieux.org/uk-page3.callpt2014.htm>>.

⁴² Mohamed Khairat, “Egypt’s ‘beacon of hope’ behind steel bars”, *Egyptian Streets* (23 May 2014), online: <<http://egyptianstreets.com/2014/05/23/egypts-beacon-of-hope-behind-steel-bars/>>.

never met. Her very presence sent a message that this issue really mattered and raised protestors' morale.⁴³

52. For her contributions to the defence of human rights, Mahienour El-Massry was awarded the Ludovic Trarieux International Human Rights Prize in June 2014.
53. As a result of her human rights work and activism, Mahienour El-Massry is frequently subjected to scorn, defamation, harassment, beatings, and imprisonment. The Law Society intervened on her behalf in June 2014 and again in July 2015.

Greece

Electra Koutra

54. Electra Koutra is an Athens-based lawyer specializing in human rights, asylum and criminal law. She provides legal assistance to a broad array of clients, including refugees and transgender individuals.
55. In late 2016, she was harassed by Greek authorities as a result of her advocacy on behalf of several Syrian refugees. Accordingly, the Law Society intervened on her behalf in January 2017.

Guatemala

Ramón Cadena Rámila

56. Ramón Cadena Rámila is a lawyer with more than twenty-five years of experience in human rights law and advocacy. He is the International Commission of Jurists' ("ICJ") regional director for Central America. His work at the ICJ includes providing legal advice to communities fighting against mining projects in Guatemala. Prior to joining the ICJ, Ramón Cadena Rámila held positions with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and the United Nations High

⁴³ Amro Ali, "Run Mahienour Run", *Jadaliyya*, online: <<http://www.jadaliyya.com/pages/index/18248/run-mahienour-run>>.

Commissioner for Human Rights. His duties focused on human rights training, protection of refugees and displaced populations, and other human rights advisory functions. He also teaches international law at the Human Rights Institute of San Carlos University and coordinated the MA Human Rights studies at Rafael Landívar University. Sponsored by the Organization of American States (“OAS”) and the UN, he coordinated a dialogue on human rights, justice and security in Guatemala. He was also a consultant at Guatemala’s Human Rights Ombudsman and Office of the Prosecutor.⁴⁴

57. Ramón Cadena Rámila has played a key role in many high-profile human rights cases. For instance, he provided testimony which led to the suspension of a lawyer representing former military dictator Efraín Rios Montt. Efraín Rios Montt was being tried for his role in the alleged genocide and other atrocities committed during Guatemala’s civil war of the 1970s and 1980s.⁴⁵
58. On August 15, 2016, armed men posing as police officers ransacked Ramón Cadena Rámila’s house. The attack was one of many made against human rights lawyers in Guatemala following the arrest of military officials accused of civil war crimes and is believed to have been linked to Ramón Cadena Rámila’s work as a human rights lawyer and/or his participation in Efraín Rios Montt’s trial.⁴⁶
59. The Law Society expressed its concern over Ramón Cadena Rámila’s harassment and intervened on his behalf in December 2016.

⁴⁴ International Commission of Jurists, Central America Regional Office, online: <<https://www.icj.org/staff/central-america-regional-office/>>.

⁴⁵ Nina Lakhani, “Human rights lawyer’s home ransacked in Guatemala in latest string of attacks”, *The Guardian* (15 August 2016), online: <<https://www.theguardian.com/world/2016/aug/15/guatemala-human-rights-lawyer-attack-ramon-cadena-ramila>>.

⁴⁶ *Ibid.*

Honduras

Antonio Trejo Cabrera

60. Antonio Trejo Cabrera was a respected lawyer and pastor. His legal work focused on representing Honduran agrarian groups in disputes with large corporate landowners.
61. After years of receiving death threats for defending the land rights of four campesino cooperatives,⁴⁷ he was murdered on September 22, 2012.⁴⁸

Dionisio Diaz Garcia

62. In 2007, the Law Society expressed its concern over the assassination of labour and human rights lawyer, Dionisio Diaz Garcia. He worked as the lead labour lawyer for the Association for a More Just Society (“AMJS”). While working for the AMJS’s Labour Rights for Vulnerable Populations program, Dionisio Diaz Garcia discovered routine labour violations in areas where security guards were employed by private security firms. In December 2006, two men pulled up alongside him as he was walking to court and shot him.⁴⁹

Lawyers at Association for a More Just Society (“AMJS”)

63. In January 2011, the Law Society intervened on behalf of the Association for a More Just Society (“AMJS”). This Honduras-based organisation is focused on promoting human rights and improving access to justice for all sectors of society. In 2004, AMJS began by investigating violations of labour rights by private security firms. Over the years, AMJS’s work has expanded to include peace and public security, land rights, labour rights, anti-corruption, youth and family issues.⁵⁰

⁴⁷ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 22 November 2012) at 76 – 80.

⁴⁸ *Ibid.*

⁴⁹ Front Line Defenders, “Honduras: Dionisio Diaz Garcia” online: <<http://www.frontlinedefenders.net/node/1701>>.

⁵⁰ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee, (Toronto: Law Society of Upper Canada, 27 January 2011) at 19 – 20.

64. AMJS lawyers have been the victims of threats, intimidation and even murder for their advocacy work. For example, in December 2006, AMJS lawyer Dionisio Diaz Garcia was assassinated. Also in December 2006, AMJS President Carlos Hernández received a text message threatening his life and was pursued by a man on a motorcycle. These and other similar acts of violence and aggression directed at AMJS lawyers prompted the Inter-American Commission on Human Rights, in 2006, to request that the Honduran government take measures to protect AMJS lawyers.⁵¹ Notwithstanding this, however, the violence against AMJS members has continued. On October 19, 2010, an AMJS lawyer was abducted and questioned about her work. Although she was informed by her kidnappers that they had been paid to execute her, the lawyer was eventually released. On November 3, 2010, two armed men on a motorcycle threatened another AMJS lawyer.
65. The ongoing harassment and intimidation of AMJS lawyers is the result of their legal work, namely investigations into security companies and the promotion of labour rights.

India

Leitanthem Umakanta Meitei

66. In November 2006, the Law Society intervened on behalf of Leitanthem Umakanta Meitei, a human rights lawyer and the Secretary General of the Threatened Indigenous Peoples' Society ("TIPS"). TIPS an organisation which seeks "to work towards the self-determination of the Meitei people".⁵²
67. In 2006, Leitanthem Umakanta Meitei was arrested without a warrant at his home. Police officers seized CDs, books and information on TIPS and the International Labour Organization. He was detained at the Imphal Police Station

⁵¹ *Ibid.*

⁵² Wisser Directory, "Threatened Indigenous Peoples' Society (TIPS)", online: <<https://wiser.directory/organization/threatened-indigenous-peoples-society-tips/>>. See also: Unrepresented Nations and Peoples Organization, "Statement by Mr. Leithanem Umakanta Meitei, Threatened Indigenous Peoples Society (TIPS), Manipur" (21 July 2004), online: <<http://unpo.org/article/960>>.

where he was interrogated and tortured. Throughout his detention, he was denied a lawyer.⁵³

68. Leitanthem Umakanta Meitei's arrest stemmed from his involvement in a protest against a bomb attack on a Hindu temple that killed five Hindus and injured over 40 people. He was charged with being a member of and/or supporting terrorist organisations and was also accused of maintaining links with the illegal group "Organisation to Save the Revolutionary Movement in Manipur". On August 29, 2005, the Chief Judicial Magistrate ordered his release due to lack of evidence. Charges were eventually dropped. It would thus appear that his torture and detention were linked to his advocacy and legal work.

Indonesia

Alldo Fellix Januarydy

69. Alldo Fellix Januarydy is a lawyer at the Legal Aid Institute in Jakarta who has represented numerous people in a broad array of public interest cases.⁵⁴
70. It was reported that on January 12, 2016, Alldo Fellix Januarydy was attacked by members of the Civil Service Police Unit and the Sub-District Head of Tebet, resulting in several wounds to his face. The attack is said to have occurred during a forced eviction of his clients in Bukit Duri, Tebet, South Jakarta as Alldo Fellix Januarydy was attempting to persuade police to wait until the Administrative District Court had ruled on the legality of the eviction order before taking any action.⁵⁵
71. The Law Society voiced its concern over the police's treatment of Alldo Fellix Januarydy in June 2016.

⁵³ Law Society of Upper Canada, "Umakanta Meitei Letter of Intervention and Public Statement" (November 2007).

⁵⁴ Lawyers' Rights Watch Canada, "Indonesia: Maltreatment of Alldo Fellix Januarydy Letter" (13 April 2016), online: <<http://www.lrwc.org/indonesia-maltreatment-of-alldo-fellix-januarydy-letter/>>.

⁵⁵ *Ibid.*

Gustaf Kawer

72. Gustaf Kawer is a prominent human rights lawyer in the Indonesian province of Papua. He has worked on many cases dealing with workers' rights, land ownership and socio-political rights. For instance, in 2013, he defended five individuals against treason charges in a case involving the issue of freedom to express political opinion. Also in 2013, Gustaf Kawer and a colleague were shortlisted for the international Lawyers for Lawyers Award.
73. Among other things, Gustaf Kawer has been monitored by intelligence agents with respect to certain activities, obstructed from providing legal assistance at police stations, thrown out of investigation rooms and courtrooms for "disturbing the legal process", and threatened with prosecution for carrying out his duties in the courtroom.⁵⁶ More recently, he was investigated for "coercion" and "rebelliousness" by the Papua Regional Police.⁵⁷
74. In November 2014, the Law Society intervened over concerns that the Papua Regional Police were investigating Gustaf Kawer unlawfully and on unsubstantiated grounds.

Tigor Gempita Hutapea and Obed Sakti Andre Dominika

75. Tigor Gempita Hutapea and Obed Sakti Andre Dominika are public interest lawyers who have, among other things, assisted labor union workers in their efforts to secure an increase in minimum wage.
76. On October 30, 2015, Tigor Gempita Hutapea and Obed Sakti Andre Dominika attended a peaceful protest rally in order to monitor police violence against protestors. The lawyers were arrested along with 24 activists and were subsequently charged with "disobeying police orders". This was notwithstanding that the lawyers and the protestors had already begun to disperse when police started to beat and arrest them. It appears that the charges against Tigor

⁵⁶ Front Line Defenders, "Gustaf Kawer", online: <<https://www.frontlinedefenders.org/en/profile/gustaf-kawer>>.

⁵⁷ Law Society of Upper Canada, "Re: investigation and intimidation of human rights lawyer Gustaf Kawer" (14 November 2014), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Letter_%20Kawer_%20Indonesia.pdf>.

Gempita Hutapea and Obed Sakti Andre Dominika relate solely to their legitimate actions as lawyers and human rights defenders. Accordingly, the Law Society intervened on their behalf in May 2016.⁵⁸

Iran

Farshid Yadollahi and Imprisoned Human Rights Lawyers

77. Farshid Yadollahi is a human rights lawyer who is well known for representing religious minorities in Iran. In late 2011, he was arrested for “propagating lies and creating public anxiety” after filing a complaint against Iranian intelligence services for unlawful behaviour, a legitimate exercise of his duties as a lawyer. The arrest and subsequent conviction are believed to be a part of an ongoing campaign by Iranian authorities to harass lawyers who represent religious minorities.
78. In March 2014, Farshid Yadollahi was illegally transferred from Evin prison to Rajai-Shahr prison. Given that prisoners in Rajai-Shahr prison have reported heavy-handed harassment, the transfer is considered additional punishment. Farshid Yadollahi’s transfer and the lack of medical treatment for imprisoned human rights lawyers in both Evin and Rajai-Shahr prisons prompted the Law Society to intervene in April 2014.

Hadi Esmaeilzadeh

79. Hadi Esmaeilzadeh is an Iranian human rights lawyer and a member of the Defenders of Human Rights Centre (“DHRC”). Since the closure of the DHRC’s offices in 2008, Hadi Esmaeilzadeh has been interrogated several times by intelligence and security organisations, and pressured to resign from the DHRC. He was also expelled from the Higher Institute of Banking of Iran in 2009 and

⁵⁸ Law Society of Upper Canada, “Re: Persecution of Tigor Gempita Hutapea and Obed Sakti Andre Dominika” (6 May 2016), online: http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Indonesia_Tigor%20empita%20Hutapea%20and%20Obed%20Sakti%20Andre%20Dominika.pdf.

from the Islamic Azad University-Bam Unit in 2012 because he refused to resign from the DHRC.⁵⁹

80. On May 31, 2014, Hadi Esmailzadeh was sentenced to four years in prison upon being found guilty of “assembly and collusion with intent to commit anti-security crimes” and “spreading propaganda against the State”. Both charges appear to stem from his membership with the DHRC, which has been deemed an “illegal organisation”. The court also banned him from practising law and from joining political groups/parties for two years.⁶⁰ The Law Society intervened on his behalf in June 2014.

Houtan Kian

81. In 2010, the Law Society intervened on behalf of Houtan Kian, a human rights lawyer. He represented Sakineh Mohammadi Ashtiani, an Iranian woman who was charged and convicted of adultery and sentenced to death by stoning (the sentence was later commuted to a hanging). Houtan Kian took Sakineh Mohammadi Ashtiani’s case after Ashtiani’s first lawyer was intimidated and exiled.⁶¹
82. On October 10, 2010, Houtan Kian and two journalists who were looking to interview Sakineh Mohammadi Ashtiani’s son were arrested. Houtan Kian was detained by Iranian officials on suspicion of having involvement with anti-revolutionary groups abroad and forging/duplicating identity cards. His arrest and detention appear to have been an attempt to keep him from fulfilling his duties as Sakineh Mohammadi Ashtiani’s defence counsel.⁶²

⁵⁹ International Federation for Human Rights, “Iran: Sentencing of Mr. Hadi Esmailzadeh to a total of four years of imprisonment” (3 July 2014), online: <<https://www.fidh.org/en/region/asia/iran/15703-iran-sentencing-of-mr-hadi-esmailzadeh-to-a-total-of-four-years-of-#>>.

⁶⁰ *Ibid.*

⁶¹ Saeed Kamali Dehghan, “Iranian facing stoning speaks: ‘It’s because I’m a woman’” *The Guardian* (6 August 2010) online: <<http://www.theguardian.com/world/2010/aug/06/sakineh-mohammadi-ashtiani-iran-interview>>.

⁶² Law Society of Upper Canada, “Re: Human Rights Lawyer Houtan Kian” (29 November 2010).

Iran's Endangered Lawyers

83. At the end of 2010, The Law Society received nine separate requests to intervene on behalf of Iranian lawyers who were harassed, arrested and imprisoned. Both the intervention requests and reports pointed to a change in Iran's treatment of lawyers after the June 2009 presidential election. The cases indicated a systemic approach by which the Iranian government was singling out and persecuting lawyers based on their advocacy and work in facilitating their clients' access to the judicial system.
84. The lawyers' cases ranged from defending women sentenced to death to representing journalists and women's rights activists. More than 90 lawyers have been handed prison or death sentences as a result of performing their professional duties.

Maryam Karbasi, Maryam Kianersi and Sara (Hajar) Sabaghian

85. On November 12, 2010, three women human rights lawyers, Maryam Karbasi, Maryam Kianersi and Sara (Hajar) Sabaghian, were arrested at the Tehran airport. These three lawyers were known for defending journalists, bloggers and youths. They were also known for defending women who were sentenced to death. The arrest of all three women followed the publication of an open letter they signed calling for the release of fellow lawyer Nasrin Sotoudeh from prison.⁶³

Narges Mohammadi

86. Narges Mohammadi is a prominent human rights lawyer and activist;⁶⁴ she is the Vice President of the Defenders of Human Rights Centre ("DHRC") in Iran. She has won awards and global plaudits for her human rights advocacy, including her

⁶³ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 January 2011) at 16 – 18.

⁶⁴ "Statement by the spokesperson of the EU High Representative Catherine Ashton on the sentencing of Ms. Narges Mohammadi, an Iranian Human Rights Defender", High Representative of the European Union for Foreign Affairs and Security Policy: Press (8 October 2011), online: <http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/124989.pdf>.

work to end Iran's use of the death penalty against young offenders.⁶⁵ In 2009, she received the Alexander Langer Award; in 2011, she was the recipient of the Per Anger Prize, the Swedish government's international award for human rights; in 2016, she was awarded the Human Rights Award by the German city of Weimar.

87. The history of Iranian authorities' harassment of Narges Mohammadi, including her convictions on several national security-related charges tied to her peaceful activism, has been well documented. In February 2015, and again in December 2015, the Law Society intervened on her behalf.

Nasrin Sotoudeh

88. Nasrin Sotoudeh is a human rights lawyer whose work spans a broad array of human rights issues. She has represented abused children and mothers, defended prisoners of conscience, and represented juveniles facing the death penalty. Nasrin Sotoudeh also served as legal counsel to several political activists and protesters who were arrested in the aftermath of the disputed 2009 presidential election in Iran. Her clients have included journalist Isa Saharkhiz, Nobel Peace Prize laureate Shirin Ebadi, and the head of the banned opposition group Democratic Front of Iran, Heshmat Tabarzadi.
89. Nasrin Sotoudeh is a member of the "One Million Signature Campaign", an Iranian women's rights movement which collects signatures from Iranians opposed to the country's discriminatory laws against women. She has also worked closely with the Defenders of Human Rights Center ("DHRC"), a human rights organization. In 2012, she was awarded the European Parliament's Sakharov Prize for Freedom of Thought.
90. For her work, Nasrin Sotoudeh has been subjected to threats, intimidation, arbitrary arrests and detentions. Accordingly, the Law Society intervened on her behalf in September 2010, October 2013 and December 2014.

⁶⁵ Jesselyn Cook, "Narges Mohammadi Won Awards For Her Peaceful Activism. Iran Put Her Behind Bars.", *Huffington Post* (22 October 2016), online: <http://www.huffingtonpost.com/entry/iran-activist-narges-mohammadi-jail_us_580bb8e2e4b02444efa3d0ba>.

Shadi Sadr

91. Shadi Sadr is a prominent Iranian lawyer who has a long history of being intimidated and arrested by Iranian authorities for her advocacy on behalf of women and women's rights.
92. She co-founded a women's rights organisation called *Zanan-e Iran* (Women of Iran) and launched several campaigns, one of which was the "Stop Stoning Forever" campaign.
93. Shadi Sadr acted as legal counsel for various women's rights activists who were given death sentences. She also represented Shiva Nazar Ahari, a human rights defender and member of the Committee of Human Rights Reporters.
94. In July 2009, Shadi Sadr was detained for 11 days by Iranian authorities. After her release, she fled Iran. She was tried *in absentia* and sentenced to 6 years imprisonment and 74 lashes.

Shirin Ebadi

95. In June 2008, the Law Society intervened on behalf of Shirin Ebadi.
96. Shirin Ebadi is an Iranian activist, human rights lawyer and former judge who won the Nobel Peace Prize in 2003 for her work to improve human rights in Iran, especially those of women, children and political prisoners.
97. Shirin Ebadi was one of the first female judges in Iran, serving as president of the city court of Tehran from 1975 to 1979, and was the first Iranian woman to achieve Chief Justice status. She, along with other women judges, was stripped of her title after the Islamic Revolution in February 1979.
98. After obtaining her law licence in 1992, Shirin Ebadi set up a private practice. As a lawyer, she has taken on many controversial cases involving political dissidents. Consequently, she has been harassed and arrested numerous times.
99. In addition to being an internationally-recognized advocate of human rights, Shirin Ebadi has also established many non-governmental organizations in Iran, including the Defender of Human Rights Center ("DHRC") and the Million

Signatures Campaign, a campaign demanding an end to legal discrimination against women under Iranian law. She also co-founded the Nobel Women's Initiative.⁶⁶

Kenya

Willie Kimani

100. Willie Kimani was a lawyer who worked with the International Justice Mission ("IJM") and the Rights Promotion and Protection Centre.
101. On June 23, 2016, Willie Kimani, a client and their taxi driver were abducted after departing from a court hearing at the Makovo Law Courts. Seven days later, their bodies were recovered on the bank of a river near Nairobi. Post-mortem reports reveal that the trio had been tortured.
102. There is speculation that Willie Kimani's death was related to his legal work – the client that had been murdered alongside Willie Kimani had accused a police officer of shooting him during a traffic stop.⁶⁷

Kyrgyzstan

Tahir Asanov

103. In November 2010, the Law Society intervened on behalf of Tahir Asanov.
104. In late 2010, Tahir Asanov represented a client who, along with nine other men, was accused of (i) being involved in the death of a police chief and (ii) partaking in riots, both of which occurred during the June 2010 violence in Kyrgyzstan. During the course of their trial, the accused men were beaten by several officers from the Ministry of Internal Affairs. When Tahir Asanov requested that the court order an investigation into the beatings, relatives of the murdered police chief who were present in the courtroom verbally and physically attacked him.

⁶⁶ Nobel Women's Initiative, "Shirin Ebadi", online: <<http://nobelwomensinitiative.org/laureate/shirin-ebadi/>>.

⁶⁷ Law Society of Upper Canada, "Re: Murder of Lawyer Willie Kimani" (29 August 2016), online: <[http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Kenya_Willie%20Kimani\(4\).pdf](http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Kenya_Willie%20Kimani(4).pdf)>.

Courtroom officials were slow to intervene and the judge did not attempt to restore order or expel the perpetrators. After the hearing ended, the police chief's relatives followed Tahir Asanov outside and attacked him again. Police were present and witnessed the beating, but did not intervene.⁶⁸

Malaysia

Hindraf Lawyers

105. In June 2008, the Law Society intervened on behalf of lawyers whose clients were part of the Indian minority. Malaysian lawyers P. Uthayakumar, M. Manoharan, R. Kenghadharan and V. Ganabati Rao provide legal counsel for the Hindu Rights Action Force ("Hindraf"). Hindraf is a coalition of various Hindu non-governmental organizations committed to preserving and defending the rights of Malaysia's Hindu community. Hindraf emerged in response to the encroachment of Sharia-based laws, demolition of Hindu temples and shrines and the alienation of the Hindu community in Malaysia.⁶⁹
106. The Hindraf lawyers' advocacy on behalf of the Indian community resulted in harassment, arrest and detention. M. Manoharan was elected to the Selangor State Assembly, but Malaysian authorities barred him from taking his seat. On October 30, 2007, P. Uthayakumar and V. Ganabati Rao were arrested and detained for organizing and participating in demonstrations against the demolition of a Hindu shrine in Kuala Lumpur. They were charged with sedition and incitement, but were released due to lack of evidence. After organizing further peaceful demonstrations, P. Uthayakumar and V. Ganabati Rao were once again arrested on November 23, 2007 and charged under the *Sedition Act*;⁷⁰ they were released on December 11, 2007.
107. On December 12, 2007, the Malaysian Prime Minister, Abdullah Ahmad Badawi, signed detention letters allowing Malaysian authorities to detain all four Hindraf

⁶⁸ Amnesty International, "Urgent Action: Lawyer at Risk After Attack in Court" (1 October 2010).

⁶⁹ Law Society of Upper Canada, *Report to Convocation, by Equity and Aboriginal Issues Committee* (Toronto, Law Society of Upper Canada, 26 June 2008) at 13 – 16.

⁷⁰ *Ibid.*

lawyers under the provisions of the *Internal Security Act*. Following the Prime Minister's authorization, P. Uthayakumar, M. Manoharan, R. Kenghadharan, V. Ganabati Rao and T. Vasanthakumar were arrested in Kuala Lumpur by the Special Branch police officers. Their arrests were grounded in their advocacy work on behalf of a minority group.

Karpal Singh

108. Karpal Singh was one of Malaysia's most prominent human rights lawyers. He took up countless criminal defence and public interest cases, the subject matter ranging from corruption to activism to drug trafficking charges against foreign nationals. Karpal Singh was also a staunch opponent of the death penalty, especially in relation to drug trafficking offences. He has been praised for "defending the little man" and called "a friend to the oppressed and marginalised."
109. The Law Society intervened in April 2014 to express its concern over Karpal Singh's conviction on the charge of sedition for a remark he made in his role as both a lawyer and a lawmaker during a February 6, 2009 press conference.⁷¹

Nigeria

Lawyers Providing Legal Services to LGBTI Clients

110. In February 2014, the Law Society intervened on behalf of lawyers providing legal services to Nigeria's lesbian, gay, bisexual, transgender and intersex ("LGBTI") community in light of the January 2014 enactment of the *Same Sex Marriage (Prohibition) Act*.
111. The *Act* prohibits any person or group from providing services to anyone perceived to be homosexual. It also forbids persons or groups from supporting the registration, operation and/or promotion of gay clubs, societies,

⁷¹ Law Society of Upper Canada, "Re: Conviction of Karpal Singh for sedition" (28 April 2014), online: <[http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Ltr_to_PM_Tun_Razak_Malaysia_Apr.28.2014\(2\).pdf](http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Ltr_to_PM_Tun_Razak_Malaysia_Apr.28.2014(2).pdf)>.

organizations, processions or meetings in Nigeria. The language of the *Act* suggests that Nigerian and international human rights lawyers working with Nigeria's LGBTI community may be charged and convicted under the *Act* for providing their legal services. In this way, the *Act* limits the LGBTI community's access to justice.⁷²

Pakistan

Bilal Anwar Kasi and Lawyers in Pakistan

112. Bilal Anwar Kasi was a criminal lawyer and the president of the Balochistan Bar Association. He was murdered by unknown gunmen on August 8, 2016. That same day, approximately 200 lawyers gathered at a hospital in Quetta, Pakistan to protest and mourn the loss of their colleague. The lawyers were in the emergency department when a bomb exploded, killing over 70 people – the majority of them lawyers – and injuring many others. According to reports, the Taliban faction *Jamaat-ur-Ahrar* and the Islamic State of Iraq and the Levant (“ISIL”, also known as “ISIS”) have taken responsibility for both Bilal Anwar Kasi's murder and the subsequent bombing.⁷³
113. The Law Society expressed its concerns over the abovementioned events in August 2016.

Russia

Vitaliy Moiseyev and Tatiana Akimtseva

114. Vitaliy Moiseyev and Tatiana Akimtseva were both lawyers in Moscow who represented Sergey Zhurba, a deputy of the regional council of the Odintsovo region who was a key witness in a case against members of the Orekhovskaya

⁷² Law Society of Upper Canada, “Re: The Same Sex Marriage (Prohibition) Act and the Security of Lawyers in Nigeria” (27 February 2014), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Nigeria_for_posting.pdf>.

⁷³ Law Society of Upper Canada, “Re: Murder of Bilal Anwar Kasi and Lawyers in Pakistan” (29 August 2016), online: <[http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Pakistan_Bilal%20ANwar%20Kasi%20and%20Lawyers%20in%20Pakistan\(3\).pdf](http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Pakistan_Bilal%20ANwar%20Kasi%20and%20Lawyers%20in%20Pakistan(3).pdf)>.

gang, a criminal organization that was particularly active in Moscow during the 1990s.⁷⁴

115. On September 23, 2014 (and after receiving anonymous threats), Tatiana Akimtseva was shot and killed.⁷⁵ A month later (October 23, 2014), the verdict in the Orekhovskaya gang case was released. Dmitry Belkin, the gang leader, and his accomplice Oleg Pronin, were found guilty of 22 murders, 11 attempted murders and a number of other offences.⁷⁶
116. On October 24, 2014, authorities confirmed that Vitaliy Moiseyev and his wife were found dead from gunshot wounds in a car near Moscow.⁷⁷ Vitaliy Moiseyev's assassination occurred just hours before he was scheduled to testify in court in regard to a different case against other members of the Orekhovskaya gang.
117. In light of these events, the Law Society intervened in February 2015.

Saudi Arabia

Abdul Rahaman al-Lahem

118. The Law Society intervened on behalf of Abdul Rahaman al-Lahem in January 2008 after he was subjected to adverse treatment for representing a sexual assault victim. More specifically, Abdul Rahman al-Lahem was removed from his client's case and had his law licence confiscated after successfully obtaining a commuted sentence for his client. He was also summoned to a disciplinary hearing by the Judicial Investigation Department of the Ministry of Justice on grounds that he advertised his legal services in violation of Saudi regulations.⁷⁸

⁷⁴ International Commission of Jurists, "Russian Federation: ICJ calls for prompt and effective investigation into killing of lawyer Vitaliy Moiseyev" (24 October 2014), online: <<http://www.icj.org/russian-federation-icj-calls-for-prompt-and-effective-investigation-into-killing-of-lawyer-vitaliy-moiseyev/>>.

⁷⁵ *Ibid.*

⁷⁶ Lawyers for Lawyers, "Russian Federation: Lawyer killed together with his wife" (3 December 2014), online: <<http://www.advocatenvooradvocaten.nl/9795/russian-federation-lawyer-killed-together-with-his-wife/>>.

⁷⁷ Radio Free Europe / Radio Liberty, "Moscow Lawyer In High Profile Organized Crime Case Killed" (24 October 2014), online: <<http://www.rferl.org/content/orekhovo-moiseyev-belkin-assassination-trial-akimtseva-moscow/26653785.html>>.

⁷⁸ Law Society of Upper Canada, "Re: Lawyer Abdul Rahman al-Lahem" (29 January 2008), online: <http://www.lsuc.on.ca/media/saudi_arabia_al-lahem.pdf>.

Sudan

Nabeel Adib Abdallah

119. Nabeel Adib Abdallah is a prominent human rights lawyer and activist.
120. In May 2016, the Vice Chancellor of the University of Khartoum decided to shut down the university indefinitely and ordered the dismissal of 17 students. The decision to close the university came after the Sudanese government indicated its intention to lease out the university premises for tourism purposes. Subsequently, massive demonstrations erupted in protest of the government's plan. The aforementioned 17 students were dismissed for their participation in these demonstrations.
121. Upon learning of the Vice Chancellor's decision, some of the dismissed students went to Nabeel Adib Abdallah's office in order to engage him in challenging the dismissal decision. Soon after, agents of Sudan's National Intelligence and Security Services ("NISS") raided Nabeel Adib Abdallah's office, confiscating property and arresting several of the students. The authorities have provided no justification for the raid, the removal of Nabeel Adib Abdallah's property or the arrest of the students.⁷⁹
122. In light of these circumstances, the Law Society intervened on behalf of Nabeel Adib Abdallah in July 2016.

Swaziland

Thulani Rudolf Maseko

123. Thulani Rudolf Maseko is a prominent human rights lawyer, senior member of Lawyers for Human Rights Swaziland and a member of the Southern Africa Human Rights Defenders Network. On March 17, 2014, he was arrested on charges of "scandalizing the judiciary" and "contempt of court" following the

⁷⁹ Law Society of Upper Canada, "Re: Harassment of lawyer Nabeel Adib Abdallah" (4 July 2016), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Sudan_Nabeel%20Adib%20Abdallah.pdf>.

publication of articles criticising the judicial system. When he was taken into police custody, he was denied access to legal counsel. Moreover, the indictment proceeding, which is usually held in open court, was held in closed proceedings. In light of these events, the Law Society intervened on behalf of Thulani Rudolf Maseko in April 2014.

Turkey

Filiz Kalayci

124. In February 2010, the Law Society intervened on behalf of Filiz Kalayci, a human rights lawyer and an executive member of the İnsan Haklari Derneği (“IHD”), a human rights organization that denounces the perpetration of human rights violations against individuals in detention and seeks to improve prison conditions. On February 6, 2009, the IHD released its report on human rights violations in Turkish prisons.⁸⁰
125. On May 12, 2009, Filiz Kalayci was arrested along with three other human rights lawyers, all of whom were associated with the IHD. Two days later, all four lawyers were released. However, the Public Prosecutor appealed the decisions to release the lawyers and on May 28, 2009 Filiz Kalayci was arrested for “aiding illegal organisations”. The other three lawyers were not arrested.⁸¹
126. Ostensibly, Filiz Kalayci’s arrest, detention and prosecution was intended to prevent and punish her lawful and professional advocacy for prisoners’ rights.

Muharrem Erbey

127. Muharrem Erbey is a human rights lawyer, Vice President of the Human Rights Association of Turkey (“IHD”) and President of the local IHD in Diyarbakir, Turkey. He has worked for many years as a human rights lawyer and advocate in the Kurdish-majority region of southeast Turkey, compiling reports on

⁸⁰ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 28 January 2010) at 25 – 26.

⁸¹ *Ibid.*

disappearances and extra-judicial killings in the region, while also representing local individuals in provincial, national and international courts (including the European Court of Human Rights in Strasbourg). He has also had works published as a columnist and writer.

128. Muharrem Erbey has been imprisoned pursuant to the Anti-Terror Law since December 2009 on charges of “membership in an illegal organisation”. He is accused of being involved with the Kurdistan Communities Union (“KCK”), the alleged political front of the banned Kurdistan Workers Party (“PKK”), which has been engaged in an armed struggle with the Turkish military since 1984. Those being targeted under the auspices of the so-called “KCK trials” have tended to be those with a Kurdish, pro-Kurdish or pro-minority background, and the charges leveled against them are often vaguely defined and based on insubstantial evidence. Given the lack of any material evidence linking him to terrorism or the plotting of violent acts, it is believed that Muharrem Erbey’s charges are linked to his work as a human rights advocate.⁸²
129. In light of the foregoing, the Law Society intervened on behalf of Muharrem Erbey in June 2014.

Lawyers Protesting

130. On January 2013, 15 human rights lawyers were arrested. These lawyers are known for defending persons accused of terrorism and/or other crimes against the state, for representing victims of police violence, and for advocating on behalf of members of minority groups. Nine of the lawyers are members of the Progressive Lawyers' Association (“ÇHD”) which, in turn, is affiliated with the European Association of Lawyers for Democracy and World Human Rights (“ELDH”). It is believed that these lawyers were targeted for their human rights work.⁸³ Accordingly, the Law Society intervened on their behalf in February 2013.

⁸² Pen International, “Muharrem Erbey, Turkey, Human Rights Lawyer and Writer”, online: <<http://www.pen-international.org/muharrem-erbey-turkey-human-rights-lawyer-and-writer/>>.

⁸³Law Society of Upper Canada, “Turkey Lawyers Letters of Intervention and Public Statement” (February 2013).

Vietnam

Bui Thi Kim Thanh

131. In February 2007, the Law Society intervened on behalf of Bui Thi Kim Thanh, a lawyer who is known for being an outspoken critic of Vietnam's land confiscation policies. Bui Thi Kim Thanh's clients have included farmers whose lands were expropriated and the Democratic Party of Vietnam. She has also provided pro bono defence work to low-income and impoverished people.⁸⁴
132. On November 2, 2006, police officials took Bui Thi Kim Thanh to a psychiatric hospital where she was committed and forcibly confined after being interrogated by the police. This was notwithstanding that she did not exhibit any signs of mental illness. She was also injected with unknown drugs despite there being no medical basis for them. Bui Thi Kim Thanh was not formally charged with an offence and it is believed that she was being punished by government authorities for providing legal services to the unauthorized pro-democracy party.⁸⁵
133. In light of these circumstances, the Law Society intervened on Bui Thi Kim Thanh's behalf in February 2007.

Tran Thu Nam and Le Luan

134. In February 2016, the Law Society intervened on behalf of Tran Thu Nam and Le Luan.
135. Tran Thu Nam and Le Luan are human rights lawyers who provide legal support to victims of alleged police brutality and other human rights abuses by government authorities. Currently, they are representing the family of Do Dang Du. Do Dang Du died in police custody after being detained for two months on a charge of theft."⁸⁶

⁸⁴ Law Society of Upper Canada, "Bui Thin Him Thanh Letter of Intervention and Public Statement" (February 2007).

⁸⁵ *Ibid.*

⁸⁶ Lawyers for Lawyers, "Vietnam Human rights lawyers Tran Thu Nam and Le Luan attacked" (27 November 2015), online: <<http://www.advocatenvooradvocaten.nl/fr/11293/vietnam-human-rights-lawyers-tran-thu-nam-and-le-luan-attacked/>>.

136. On November 3, 2015, Tran Thu Nam and Le Luan were attacked and beaten by eight masked men, one of whom the two lawyers recognized as a local police officer.⁸⁷ Human rights organizations believe that Tran Thu Nam and Le Luan were targeted as a result of their human rights work.

Challenging Government Actions on Behalf of Groups or Human Rights Organisations

137. Internationally, barriers to access to justice are sometimes the result of government actions, legislation or historical abuses. Many people seeking to access justice look to lawyers or advocacy groups to make their voices heard and seek redress.

Algeria

Amine Sidhoum Abderramane and Hassiba Boumerdesi

138. Accessing legal services in cases involving disappeared persons is difficult as open talk about Algeria's disappeared persons is heavily discouraged. Despite this, human rights lawyers Amine Sidhoum Abderramane and Hassiba Boumerdesi were not deterred from advocating on behalf of disappeared persons and their families. In February 2007, the Law Society intervened on behalf of these lawyers.
139. Amine Sidhoum Abderramane and Hassiba Boumerdesi represented the families of disappeared persons through their work with SOS Disappeared, an Algerian group that represents the more than 7,000 people who disappeared during the 1990s in the armed struggle between the government and Islamic groups in Algeria. In addition to journalists, judges and political opponents, persons who

⁸⁷ Front Line Defenders, "Case History: Tran Thu Nam", online: <<https://www.frontlinedefenders.org/en/case/case-history-tran-thu-nam>>.

were disappeared often came from marginalised groups and included religious minorities, women and LGBT persons.⁸⁸

140. Like those who disappeared, their families are a cross section of Algerian society and are often harassed by authorities. According to reports, hundreds of family members line up at the SOS Disappeared office and wait in long lines with pictures of their missing relatives.⁸⁹

Argentina

Alberto Nisman

141. In April 2015, the Law Society intervened on behalf of slain lawyer Alberto Nisman.
142. On January 18, 2015, Alberto Nisman, Argentine's state prosecutor, was found dead in his apartment. Four days prior to his death, he had accused President Cristina Fernández de Kirchner and Foreign Minister Héctor Timerman of conspiring to cover up Iran's alleged involvement in a 1994 attack on a Jewish community centre located in Buenos Aires that killed 85 people. Alberto Nisman had spent more than ten years investigating this case and he was scheduled to testify before Congress about this matter on January 19, 2015.
143. Viviana Fein, the prosecutor who formerly helmed the investigation into Alberto Nisman's death, had previously stated that the death was likely a suicide. More recently, however, she acknowledged the possibility that Alberto Nisman was "induced" to kill himself.⁹⁰ This deduction is based on several back-and-forth calls on January 18, 2015 between Alberto Nisman and "six or seven people", two of

⁸⁸ "The tragedy of Algeria's 'disappeared'", *The Independent* (20 December 2010), online: <<http://www.independent.co.uk/news/world/africa/the-tragedy-of-algerias-disappeared-2164859.html>>; "Families of Algeria's 'Disappeared' Search for Truth", *The Washington Post* (31 December 2004), online: <http://www.washingtonpost.com/wp-dyn/articles/A39033-2004Dec31_2.html>; Law Society of Upper Canada, "Abderramane and Boumerdesi Letter of Intervention and Public Statement" (February 2, 2007).

⁸⁹ *Ibid.*

⁹⁰ "Argentine lawyer Alberto Nisman 'may have been forced to kill himself'", *The Guardian* (20 May 2016), online: <<https://www.theguardian.com/world/2016/may/20/argentine-lawyer-alberto-nisman-was-forced-to-kill-himself>>.

whom were the country's former spy chief, Antonio Stiuso, and then-army chief, Cesar Milani.⁹¹

144. Alberto Nisman's ex-wife, Sandra Arroyo Salgado, commissioned an unofficial investigation into Alberto Nisman's death. According to reports, the findings of this investigation have ruled out theories of accident or suicide.⁹² The official investigation into Alberto Nisman's death is ongoing.⁹³

China

Guo Feixiong (aka Yang Maodong)

145. The Law Society intervened on behalf of Guo Feixiong (also known as Yang Maodong) in April 2007, January 2008 and again in January 2009.
146. Guo Feixiong is a self-taught legal defender whose human rights work began in 2005 when he helped organize a protest against land seizures and government corruption in the village of Taishi. In 2006, he campaigned against the government crackdown on human rights activists. In 2013, Guo Feixiong was involved in campaigns promoting freedom of the press, political rights, and government transparency. He has also written a book about a political scandal that occurred in Liaoning Province.
147. As a result of his human rights and advocacy work, Guo Feixiong has been arrested, charged and convicted on several occasions.

Pu Zhiqiang

148. The Law Society intervened on behalf of Pu Zhiqiang, one of China's most well known human rights lawyers, in 2014 and again in 2016.
149. Pu Zhiqiang participated in the Tiananmen protests in 1989 and has worked on a number of freedom of speech cases. In addition, he has defended the dissident

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ "Argentine prosecutor Alberto Nisman was 'murdered'" (5 March 2015), online: <http://www.aljazeera.com/news/2015/03/argentine-prosecutor-alberto-nisman-murdered150305194708529.html>.

artist Ai Weiwei, victims of China's labour camp system, and Communist Party members seeking redress for torture they endured during extralegal corruption investigations.⁹⁴

150. In May 2014, Pu Zhiqiang was detained by police after attending a gathering at a private residence to commemorate the 25th anniversary of the Tiananmen Massacre. In June 2014, he was formally arrested and charged with "creating a disturbance" and "illegally obtaining personal information."⁹⁵
151. In December 2015, Pu Zhiqiang was convicted and given a three-year suspended sentence on charges of "inciting ethnic hatred" and "picking quarrels and provoking trouble."⁹⁶ The charges were in relation to social media posts he published questioning government policy.⁹⁷ The guilty verdict will prevent Pu Zhiqiang from ever practising law again.⁹⁸ He could also face further harassment from authorities.

Xu Zhiyong

152. Xu Zhiyong is a prominent legal scholar and human rights lawyer who was arrested and tried on charges of "gathering crowds to disrupt public order". He was sentenced to four years in prison. The charges relate to a peaceful, small-scale street protest by members of the New Citizens' Movement who were calling for educational equality and for government officials to declare their assets.
153. During Xu Zhiyong's trial, the court denied his defence counsel the right to call witnesses. The court also refused to summon prosecution witnesses in order to prevent Xu Zhiyong's defence counsel and the presiding judges from questioning them. Additionally, Xu Zhiyong was tried separately from his colleagues, all of

⁹⁴ Front Line Defenders, "Pu Zhiqiang", online: <<https://www.frontlinedefenders.org/en/profile/pu-zhiqiang>>.

⁹⁵ "China: End persecution of prominent human rights lawyer", *Amnesty International* (13 June 2014), online: <<http://www.amnesty.org/en/for-media/press-releases/china-end-persecution-prominent-human-rights-lawyer-2014-06-13>>.

⁹⁶ US Department of State, "Trial of Pu Zhiqiang" (22 December 2015), online: <<http://www.state.gov/r/pa/prs/ps/2015/12/250836.htm>>.

⁹⁷ Human Rights Watch, "China: Free Prominent Lawyer Pu Zhiqiang" (13 December 2015), online: <<https://www.hrw.org/news/2015/12/13/china-free-prominent-lawyer-pu-zhiqiang>>.

⁹⁸ Katie Hunt, "Chinese human rights lawyer Pu Zhiqiang gets suspended sentence", *CNN* (22 December 2015), online: <<http://www.cnn.com/2015/12/21/asia/china-lawyer-pu-zhiqiang-verdict/>>.

whom were being prosecuted for the same offence. This contravened the Chinese *Criminal Procedure Law* requirement that persons charged with the same offence be tried jointly. These irregularities during Xu Zhiyong's trial raise questions regarding the fairness and due process of his trial.⁹⁹

Colombia

Yessika Hoyos and members of the José Alvear Restrepo Lawyers' Collective (CAJAR)

154. Yessika Hoyos is a human rights lawyer and a leader in the struggle to prevent state crimes in Colombia.¹⁰⁰ Her work focuses on seeking accountability and reparations for crimes committed against the trade union movement, as well as the provision of legal services to victims of other grave human rights violations. Her father, a key union figure and educator, was murdered in 2001 by agents of the National Police, army and paramilitary. Yessika Hoyos's work at CAJAR also involves pushing for accountability in the case of her father's murder.¹⁰¹
155. The Law Society intervened in September 2016 after being apprised that Yessika Hoyos and her CAJAR colleagues were facing increasing harassment and intimidation, including threats and surveillance by unknown individuals, as a result of their human rights work.¹⁰²

Egypt

Azza Soliman

156. Azza Soliman is a prominent human rights lawyer and the founder of the Center for Women's Legal Assistance ("CEWLA"). She currently serves on its board of trustees. CEWLA is a women's rights organisation that campaigns to promote

⁹⁹ Law Society of Upper Canada, "Xu Zhiyong Letters of Intervention and Public Statement" (February 2014).

¹⁰⁰ Colombia Caravana UK Lawyers Group, "Lawyer in Focus – Yessika Hoyos" (2 December 2015), online: <<http://www.colombiancaravana.org.uk/lawyer-in-focus-yessika-hoyos/>>.

¹⁰¹ Law Society of Upper Canada, "Re: Harassment and intimidation of Yessika Hoyos and members of the José Alvear Restrepo Lawyers' Collective (CAJAR)" (28 September 2016), online:

<http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Ektron%20letter.pdf>.

¹⁰² *Ibid.*

gender equality, focusing on legislative reform and awareness-raising in particular.¹⁰³

157. On January 24, 2015, Azza Soliman witnessed the violent dispersal of a political protest by security forces which led to the death of one activist.¹⁰⁴ That same day, she testified at the Public Prosecutor's Office that the police were responsible for the death of the political activist.¹⁰⁵ She was then interrogated by the prosecutor and advised that she was under investigation for charges relating to "unauthorized protests" and "breach of security and public order". Azza Soliman was formally charged on March 23, 2015 and her trial began on April 4, 2015.¹⁰⁶
158. Since the Law Society's intervention in June 2015, Azza Soliman has been subject to other forms of harassment and arrest.¹⁰⁷

Karim Hamdy

159. In November 2015, the Law Society intervened on behalf of slain lawyer Karim Hamdy, a respected member of the Egyptian Lawyers Syndicate known for representing individuals who had suffered abuses at the hands of the police.¹⁰⁸
160. According to reports, on February 22, 2015, Karim Hamdy was arrested during a raid on his home by armed security forces. At the police station, he was accused of belonging to a terrorist group, protesting without authorization, and possessing and using weapons against the police during protests. His interrogators eventually compelled him to confess on video. When police turned him over to prosecutors, Karim Hamdy denied the charges, advising the prosecutors that he

¹⁰³ Front Line Defenders, "Azza Soliman", online: <<https://www.frontlinedefenders.org/en/profile/azza-soliman>>.

¹⁰⁴ International Federation of Human Rights, "Urgent Appeal – The Observatory" (25 March 2015), online: <<https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/egypt-judicial-harassment-of-ms-azza-soliman>>.

¹⁰⁵ Jared Malsin, "Egyptian law in the dock as Shaimaa al-Sabbagh witnesses go on trial", *The Guardian* (9 April 2015), online: <http://www.theguardian.com/global-development/2015/apr/09/egyptian-law-shaimaa-al-sabbagh-witnesses-trial-azza-soliman>>.

¹⁰⁶ *Ibid.*

¹⁰⁷ See: Front Line Defenders, "Arrest of Azza Soliman", online: <<https://www.frontlinedefenders.org/en/case/arrest-azza-soliman>>.

¹⁰⁸ Jared Malsin, "Human rights groups fear for rule of law in Egypt after lawyer dies in custody", *The Guardian* (12 August 2015), online: <<https://www.theguardian.com/world/2015/aug/12/human-rights-groups-fear-rule-law-egypt-karim-hamdy-dies-police-custody>>.

had been forced to confess under torture. Instead of investigating Karim Hamdy's claim of torture, prosecutors sent him back to the police station where he was subjected to further torture.¹⁰⁹

161. On February 24, 2015, Karim Hamdy was due to return to the prosecutor's office for further questioning, but never arrived. His lawyers went to search for him at the police station where they were told he had died. Medical officials who examined his body reported signs of torture.¹¹⁰
162. Following a complaint by the Bar Association to the prosecutor's office, two members of the National Security agency were charged over Karim Hamdy's death. The pair, a lieutenant colonel and a major, are now on trial. However, the trial is being conducted behind closed doors pursuant to a gag order issued by Egypt's state prosecutor. The lawyers who are tracking the case believe the gag order could be a part of a cover-up.¹¹¹

Negad El-Borai

163. Negad El-Borai is a well-known figure in Egypt's human rights movement. He is a lawyer and heads the legal unit at United Group for Law. He is also a columnist for *Al Shorouk* newspaper and has advocated for freedom of expression, assembly and association. In January 2014, Negad El-Borai resigned from Egypt's National Council for Human Rights ("NCHR"), protesting its politicised and inconsistent position on human rights abuses in Egypt. He was also the founder and president of Group for Democratic Development, as well as the Secretary General of the Egyptian Organisation for Human Rights.¹¹²
164. In July 2016, the Law Society expressed its concern over the ongoing judicial harassment of Negad El-Borai. This harassment relates to Negad El-Borai's previous work on anti-torture legislation.¹¹³

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² Front Line Defenders, "Negad El Borai", online: <<https://www.frontlinedefenders.org/en/profile/negad-el-borai>>.

¹¹³ Front Line Defenders, "Case History: Negad El Borai", online: <<https://www.frontlinedefenders.org/en/case/case-history-negad-el-borai>>.

Yara Sallam

165. In November 2014, the Law Society intervened on behalf of Yara Sallam.
166. Yara Sallam is a prominent lawyer, women’s rights activist and human rights defender who has worked for several Egyptian and international human rights organisations. She was the Women Human Rights Defenders Program manager at an NGO called Nazra for Feminist Studies; a legal assistant at the African Commission on Human and Peoples’ Rights (“ACHPR”) in The Gambia; a researcher on freedom of religion and belief at the Egyptian Initiative for Personal Rights (“EIPR”); and a research assistant at the Institute of Research for Development (“IRD”).
167. In 2013, she documented the violent repression of anti-government protests. She also recently led a project which sought to document human rights violations in Egypt over the past 30 years.¹¹⁴
168. On June 21, 2014, she was arrested along with at least 30 other activists during a peaceful demonstration. On September 23, 2015, she was released pursuant to a presidential pardon.¹¹⁵

Kyrgyzstan

Valerian Vakhitov and Khusanbay Saliev

169. Valerian Vakhitov and Khusanbay Saliev are human rights lawyers and members of the Osh branch of Bir Duino - Kyrgyzstan (One World), a human rights organisation that defends the freedom of association and political space for human rights defenders in Kyrgyzstan.¹¹⁶
170. The Law Society intervened on behalf of Valerian Vakhitov and Khusanbay Saliev in July 2015 when it learned that the lawyers’ homes and offices were

¹¹⁴ Front Line Defenders, “Yara Sallam”, online: <<https://www.frontlinedefenders.org/en/profile/yara-sallam>>.

¹¹⁵ Front Line Defenders, “Case History: Yara Sallam”, online: <<https://www.frontlinedefenders.org/en/case/case-history-yara-sallam>>.

¹¹⁶ Front Line Defenders, “Khusanbay Saliev”, online: <<https://www.frontlinedefenders.org/en/profile/khusanbay-saliev>>; Front Line Defenders, “Valerian Vakhitov”, online: <<https://www.frontlinedefenders.org/en/profile/valerian-vakhitov>>.

unlawfully searched by authorities, and that the lawyers and their colleagues have been the subjects of ongoing acts of intimidation.¹¹⁷

Nepal

Jitman Basnet

171. The Law Society intervened on behalf of Jitman Basnet, a lawyer and journalist, in October 2007. An advocate for victims of Nepal's armed conflict, Jitman Basnet has brought cases on behalf of victims before Nepal's Supreme Court and the United Nations' Human Rights Committee. He is also the Secretary General of the Lawyer's Forum on Human Rights ("LAFHUR"), a pro bono lawyers' network that works on transitional justice and human rights in Nepal.¹¹⁸
172. In March 2007, Jitman Basnet published a book titled *258 Dark Days*. The book, which details his detention in army custody, discloses the names of government soldiers who, according to Jitman Basnet, raped, tortured or unlawfully killed during Nepal's armed conflict.
173. Subsequent to the book's release, Jitman Basnet began receiving harassing telephone calls – callers threatened to kill both him and his wife.¹¹⁹ Ostensibly, this harassment can be attributed to his exposure of the human rights abuses committed by the government during Nepal's armed conflict.

Malaysia

Karen Cheah Yee Lynn, Charles Hector, Francis Pereira, and Shanmugam Ramasamy

174. On March 31, 2016, Karen Cheah Yee Lynn, the Secretary of the Malaysian Bar Association, and lawyers Charles Hector, Francis Pereira and Shanmugam

¹¹⁷ Law Society of Upper Canada, "Re: The ongoing harassment of human rights lawyers Valerian Vakhitov and Khusanbay Saliev" (15 July 2015), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Atambayev_Kyrgyzstan_Republic.pdf>.

¹¹⁸ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 25 October 2007) at 6 –7.

¹¹⁹ *Ibid.*

Ramasamy were arrested and placed under investigation on charges of sedition pursuant to Malaysia's *Sedition Act 1948*.

175. Reports indicate that the criminal investigation is a political response to a motion tabled by the lawyers at the Malaysian Bar's General Assembly on March 19, 2016. The motion, which was passed by an overwhelming majority of the Malaysian Bar, called for the resignation of Attorney-General Tan Sri Mohamed Apandi Ali following his controversial handling of a corruption case involving Prime Minister Najib Razak and his alleged link to financial scandals, namely the decision to end the Malaysian Anti-Corruption Commission's investigation into the Prime Minister's financial affairs.¹²⁰
176. According to Amnesty International, "the *Sedition Act* ... has become the favoured tool of repression by Prime Minister Najib Razak's government to silence, harass and lock up hundreds of critics in Malaysia. [T]he law has been used to target anyone speaking out about allegations of corruption involving the Prime Minister." Furthermore, the use of this statute in these circumstances violates Malaysia's legal obligations under both domestic and international law to protect freedom of expression, a principle that is fundamental to democracy and to the integrity of the Malaysian legal system.¹²¹
177. In light of the above, the Law Society intervened on behalf of Karen Cheah Yee Lynn, Charles Hector, Francis Pereira and Shanmugam Ramasamy in May 2016.

¹²⁰ Law Society of Upper Canada, "Re: Persecution of lawyers Karen Cheah Yee Lynn, Charles Hector, Francis Pereira, and Shanmugam Ramasamy" (6 May 2016), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Malaysia_Karen%20Cheah%20Yee%20Lynn,%20Charles%20Hector,%20Francis%20Pereira,%20and%20Shanmugam%20Ramasamy.pdf>.

¹²¹ Lawyers' Rights Watch Canada, "Malaysia: Letter Regarding Karen Cheah Yee Lynn, Shanmugam Ramasamy, Francis Pereira, and Charles Hector Letter" (5 April 2016), online: <<http://www.lrwc.org/malaysia-letter-regarding-karen-cheah-yee-lynn-shanmugam-ramasamy-francis-pereira-and-charles-hector-letter/>>.

Myanmar

Lawyers Disbarred

178. In April 2012, the Law Society intervened on behalf of 32 lawyers who were seeking to have their licences reinstated after their licences had been revoked following criminal convictions which resulted from their engagement in political activities. Ostensibly, licence revocation was a means by which authorities further punished these lawyers for their political activities.¹²² Eventually, 11 of the 32 lawyers who were disbarred had their licences reinstated. The remaining lawyers are able to apply to be considered for reinstatement.

Pakistan

Asma Jahangir

179. In July 2012, the Law Society intervened on behalf of Asma Jahangir, a prominent human rights lawyer whose assassination was, for a time, being plotted by the Pakistani military and intelligence agencies.

180. Asma Jahangir established the Human Rights Commission of Pakistan as well as AGHS Legal Aid, the first free legal aid centre in Pakistan. From 1998 to 2004, she was the United Nations Special Rapporteur on Extrajudicial, Arbitrary and Summary Executions. Then, from 2004 to 2010, she served as the United Nations Special Rapporteur on Freedom of Religion or Belief. Asma Jahangir also represented Husain Haqqani, Pakistan's ambassador to the United States who was forced to resign by the Pakistani military. Additionally, as an advocate of the Supreme Court of Pakistan and President of the Supreme Court Bar Association of Pakistan, she has tirelessly promoted the rule of law.

¹²² Law Society of Upper Canada, "Lawyers Disbarred Letters of Intervention and Public Statement" (April 2012).

181. It is believed that Asma Jahangir was targeted by Pakistani authorities because of her human rights work and dedication to promoting the rule of law in Pakistan.¹²³

Sri Lanka

Dr. Nimalka Fernando

182. Dr. Nimalka Fernando is a prominent human rights lawyer and activist. She is the president of the International Movement Against All Forms of Discrimination and Racism (“IMADR”). She has also contributed to the human rights work of the United Nations by, among other things, participating in treaty body committee meetings and sessions of the Human Rights Council.
183. As a result of her advocacy and human rights work, Dr. Nimalka Fernando has experienced harassment on numerous occasions. For instance, in November 2013, after calling for the abolition of Sri Lanka's abortion laws, the promotion of safer sex and a more protective reproductive health approach in a television interview, death threats and derogatory comments were directed at Dr. Nimalka Fernando by listeners of a radio program known as “The Way the Country is Moving”. The title of that particular segment was “Stoning the Sinner Woman”. Subsequently, Dr. Nimalka Fernando lodged complaints with both the Human Rights Commission of Sri Lanka and the Inspector General of Police.
184. In March 2012, Dr. Nimalka Fernando, along with three other human rights defenders, was accused of being a traitor and working against the interests of the country. For this, the Minister of Public Relations threatened to “break the limbs” of Dr. Nimalka Fernando and the three other human rights defenders.¹²⁴
185. In light of the foregoing, the Law Society intervened on behalf of Dr. Nimalka Fernando in February 2014.

¹²³ Law Society of Upper Canada, “Asma Jahangir Letters of Intervention and Public Statement” (3 July 2012).

¹²⁴ Law Society of Upper Canada, “Harassment of Human Rights Lawyer Dr. Nimalka Fernando” (27 February 2014), online: http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Sri_Lanka_Feb.27.2014_for_posting.pdf.

Saudi Arabia

Abdulrahman Al Rumaih, Adulrahman Al Subaihi and Bander Alnogaithan

186. Abdulrahman Al Rumaih, Adulrahman Al Subaihi and Bander Alnogaithan are three lawyers who were sentenced to prison for criticizing Saudi Arabia's Minister of Justice on Twitter. More specifically, the three were convicted on the charges of "disobeying the ruler" and "undermining and slandering the judicial system" for alleging, in the impugned tweets, that authorities had arbitrarily detained and wrongfully convicted certain unnamed individuals. The lawyers have also been banned from travel and the use of social media.¹²⁵
187. There is no information on these lawyers' clients.
188. The Law Society intervened on these lawyers' behalf in December 2014.

Waleed Abu Al-Khair

189. Waleed Abu Al-Khair is a prominent human rights lawyer, activist, and the founder and director of Monitor for Human Rights in Saudi Arabia.¹²⁶ He was awarded the Olof Palme Memorial Fund Prize in 2012 for his work.¹²⁷ He is also the recipient of the 2016 Law Society Human Rights Award.
190. Waleed Abu Al-Khair was arrested by Saudi authorities for hosting a weekly discussion group for reformists¹²⁸ and charged with, among other things, "breaking allegiance to and disobeying the ruler", "disrespecting the authorities", "offending the judiciary", "inciting international organizations against the

¹²⁵ Rori Donaghy, "Saudi Arabia jails three lawyers for calling judiciary 'backward' on Twitter", *Middle East Eye* (27 October 2014), online: <<http://www.middleeasteye.net/news/saudi-arabia-jails-three-lawyers-calling-judiciary-backwards-twitter-41342875>>.

¹²⁶ Gulf Centre for Human Rights, "Saudi Arabia – Human rights lawyer Waleed Abu Al-Khair subjected to ill-treatment and imprisoned with criminals" (21 July 2014), online: <<http://gc4hr.org/news/view/702>>.

¹²⁷ Front Line Defenders, "Case History: Waleed Abu Al-Khair", online: <<https://www.frontlinedefenders.org/en/case/case-history-waleed-abu-al-khair>>.

¹²⁸ Human Rights Watch, "Saudi Arabia: Jailed for Hosting Discussion Group" (4 October 2013), online: <<http://www.hrw.org/news/2013/10/04/saudi-arabia-jailed-hosting-discussion-group>>.

Kingdom” and “founding an unlicensed organization.” He was subsequently handed a three-month prison sentence.¹²⁹

191. After the completion of his sentence, Waleed Abu Al-Khair was again detained, this time 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.” He was then sentenced to 15 years in prison, given a 15-year ban on travel, and a fine of 200,000 Saudi riyal.¹³⁰
192. It has been reported that during his detention, Waleed Abu Al-Khair has been physically and psychologically tortured,¹³¹ as well as denied medical care and dietary accommodations required to manage his diabetes.¹³²
193. In October 2014 and again in March 2015, the Law Society intervened on behalf of Waleed Abu Al-Khair.

Sudan

Adam Sharief

194. Adam Sharief is a lawyer and the coordinator of the Darfur Bar Association in South Darfur. He was arrested on September 26, 2013, held without charge and denied access to a lawyer.
195. Six days before his arrest, Adam Sharief participated in an interview with an independent radio station, during which he criticised the Governor of South Darfur for the lack of security in Nyala, the capital of South Darfur. This criticism was in relation to the protests that broke out in Nyala on September 18, 2013 after Ismail Ibrahim Wadi (a prominent local businessman and the president of

¹²⁹ Amnesty International, “Saudi Arabia jails lawyer and human rights activist in ongoing crackdown on dissent” (16 April 2014), online: <<http://www.amnesty.org/en/news/saudi-arabia-waleed-abu-al-khair-2014-04-16>>.

¹³⁰ Front Line Defenders, “Case History: Waleed Abu Al-Khair”, online: <<https://www.frontlinedefenders.org/en/case/case-history-waleed-abu-al-khair>>.

¹³¹ *Ibid.*

¹³² Lawyers’ Rights Watch Canada, “Saudi Arabia: Waleed Abu al-Kair [sic] Sentenced to 15 Years in Jail | Letter” (22 January 2015), online: <<http://www.lrwc.org/saudi-arabia-waleed-abu-al-kair-sentenced-to-15-years-in-jail-letter/>>.

the local football team), his son and nephew were killed. Protestors held militia employed by the local authorities responsible for the killings. Adam Sharief also criticized the use of live ammunition by security forces on September 19, 2013 (the date of Ismail Ibrahim Wadi's funeral) to disperse demonstrators that had gathered at the South Darfur government offices to call for the resignation of the Governor. At least five people were killed by live fire during the demonstration and at least 48 people were seriously injured and required hospital treatment.¹³³

196. In light of Adam Sharief's arrest and harassment, the Law Society intervened on his behalf in November 2013.

Dr. Amin Mekki Medani

197. In February 2015, the Law Society intervened on behalf of Dr. Amin Mekki Medani.

198. Dr. Amin Mekki Medani is a prominent human rights lawyer and defender, President of the Confederation of Sudanese Civil Society, Vice President of the Civil Society Initiative, and former President of the Sudan Human Rights Monitor.¹³⁴ He earned a PhD in Comparative Criminal Law from the University of Edinburgh and served as head of the Office of the High Commissioner for Human Rights ("OHCHR") in the West Bank and Gaza; Chief of Mission of the OHCHR in Zagreb, Croatia; legal advisor to the Special Representative of the UN Secretary-General in both Iraq and Afghanistan; and Regional Representative for the OHCHR in Beirut, Lebanon.¹³⁵

199. Dr. Amin Mekki Medani was arrested without a warrant or explanation by National Intelligence and Security Services ("NISS") officials at his home on December 6, 2014.¹³⁶ On January 10, 2015, Dr. Amin Mekki Medani was

¹³³ Law Society of Upper Canada, "Re: Detention of lawyer Adam Sharief" (27 November 2013), online: <<http://www.lsuc.on.ca/with.aspx?id=2147497014>>.

¹³⁴ Front Line Defenders, "Amin Mekki Medani", online: <<https://www.frontlinedefenders.org/en/profile/amin-mekki-medani>>.

¹³⁵ *Ibid.*

¹³⁶ Front Line Defenders, "Case History: Amin Mekki Medani", online: <<https://www.frontlinedefenders.org/en/case/case-history-amin-mekki-medani>>.

charged with “undermining the constitutional system” and “waging war against the state”. Both of these charges carry the death penalty.

200. It is believed that he was arrested and charged as a result of signing a political declaration known as the “Sudan Call”.¹³⁷ The document brings together opposition forces, political parties and civic organisations in a commitment to end wars and conflicts, and to work towards the establishment of a democratic, citizenship-based state in Sudan.¹³⁸ In short, the agreement is “aimed at unifying opposition to President Omar Hassan al-Bashir”.¹³⁹
201. While he does not represent a political party, Dr. Amin Mekki Medani signed the unity agreement on behalf of a number of non-governmental organizations critical of Bashir's government.¹⁴⁰ Human rights groups maintain that he was arrested as a result of taking part in legitimate human rights activities.¹⁴¹

Uganda

Lawyers Challenging Uganda's *Anti-Homosexuality Bill*

202. Lawyers and paralegals working with Uganda's lesbian, gay, bisexual, transgender and intersex (“LGBTI”) community are stigmatized. Consequently, the government's *Anti-Homosexuality Bill* has created a chilling effect as lawyers refuse to represent LGBTI clients for fear of persecution.
203. Non-governmental organizations and lawyers working with Uganda's LGBTI community are looking to challenge the constitutionality of the *Bill*. A law firm was retained by Fox Odoi (the then-member of parliament for West Budama North

¹³⁷ No Peace Without Justice, “NPWJ and NRPTT strongly condemn arbitrary arrest of Sudanese human rights lawyer Dr. Medani and call for his immediate release” (8 December 2014), online: <<http://www.npwj.org/ICC/NPWJ-and-NRPTT-strongly-condemn-arbitrary-arrest-Sudanese-human-rights-lawyer-Dr-Medani-and-call>>.

¹³⁸ *Ibid.*

¹³⁹ “Sudan opposition says two leaders arrested after unity deal”, *Reuters* (7 December 2014), online: <<http://uk.reuters.com/article/2014/12/07/uk-sudan-opposition-arrest-idUKKBN0JL08O20141207>>.

¹⁴⁰ *Ibid.*

¹⁴¹ International Federation for Human Rights, “Sudan: Arrest of Dr. Amin Mekki Medani” (7 December 2014), online: <<https://www.fidh.org/en/region/Africa/sudan/16596-sudan-arrest-of-the-president-of-the-sudan-human-rights-monitor>>.

County) and Chapter Four Uganda (a civil liberties organisation) to provide a legal opinion on the *Bill's* constitutionality.

204. In addition to criminalizing homosexuality, the *Bill* prohibits Uganda's Parliament from ratifying any international treaties, conventions, protocols, agreements and declarations that are contrary or inconsistent with the provisions of the *Bill*. This means that the international safeguards currently protecting lawyers may not shield those seeking to challenge the *Bill* and/or working on LGBTI issues from prosecution and harassment.¹⁴²

Venezuela

Daniel Wilkinson

205. In November 2008, the Law Society intervened after learning of the apprehension and deportation of lawyer Daniel Wilkinson, an American national and the Managing Director of the Americas division at Human Rights Watch.
206. Daniel Wilkinson's deportation from Venezuela followed the release of a report by Human Rights Watch entitled *A Decade under Chavez, Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*. He co-authored the report along with José Miguel Vivanco. Daniel Wilkinson's deportation is considered "evidence of the Venezuelan authorities' lack of tolerance for all forms of dissenting voices" and is linked to his work as a human rights lawyer.¹⁴³

Vietnam

Le Quoc Quan

207. The Law Society intervened on behalf of Le Quoc Quan, a human rights lawyer and democracy activist, in February 2013 after learning that he had been arrested by Vietnamese authorities on unfounded tax evasion charges in

¹⁴² Law Society of Upper Canada, "Re: Republic of Uganda's Anti-Homosexuality Bill and the Security of Lawyers" (27 February 2014), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Uganda_Feb.27.2014_for_posting.pdf>.

¹⁴³ Law Society of Upper Canada, "Daniel Wilkinson Letter of Intervention and Public Statement" (7 November 2008).

December 2012. Subsequent to the Law Society's intervention, he was convicted and sentenced to 30 months in prison. Prior to the conviction, he experienced arbitrary arrests, surveillance and other forms of harassment.

208. Le Quoc Quan's conviction is believed to be politically motivated and intended to prevent him from continuing his legitimate human rights work. Identifying as a Roman Catholic, Le Quoc Quan is an advocate for religious freedom. On January 29, 2008, he participated in a march at Saint Joseph Cathedral, protesting the government's occupation of land claimed by the church. He later told reporters that he had been beaten by guards during the march. In July 2012, it was reported that Le Quoc Quan had been threatened by state media for his activism on behalf of his diocese. On December 18, 2012, he published an article which criticised the government's cling to power. On December 27, 2012, he was arrested by the police.

Nguyen Van Dai (2007) and Le Thi Cong Nhan

209. The Law Society intervened on behalf of Nguyen Van Dai and Le Thi Cong Nhan in August 2007. Both these lawyers are known for their advocacy on behalf of protestors.
210. In November 2006, Nguyen Van Dai was interrogated and otherwise harassed by police in the days leading up to and including the Asia Pacific Economic Cooperation Leaders' Summit. In March 2007, security forces raided his home and arrested him for "conducting propaganda against the Socialist Republic of Vietnam".¹⁴⁴ On May 11, 2007, he and Le Thi Cong Nhan, a lawyer and spokesperson for the Progression Party, were convicted on charges of "spreading propaganda against the State".

Nguyen Van Dai (2016)

211. In February 2016, the Law Society intervened on behalf of Nguyen Van Dai.

¹⁴⁴ Law Society of Upper Canada, "Nguyen Van Dai and Le Thi Cong Nhan Letters of Intervention and Public Statement" (7 August 2007).

212. Nguyen Van Dai is a well-known human rights lawyer, democracy activist and defender of religious freedom. In 2006, he founded the Vietnam Human Rights Centre (previously known as the Vietnam Committee for Human Rights). The organization's objective is to engender civil empowerment through legal means and its programs are aimed at expanding legal networks, building capacity for future human rights defenders and increasing legal education by disseminating and authoring publications on civil and legal rights.¹⁴⁵ Through his work with the Centre, Nguyen Van Dai has travelled across Vietnam to teach law students and train young human rights defenders on human rights reporting mechanisms and how to deal with police interrogation.
213. Nguyen Van Dai is also the founder of Brotherhood for Democracy, a group comprised primarily of convicted dissidents and designed to coordinate mobilising efforts throughout Vietnam.¹⁴⁶ In recognition of his work, he was honoured with the Hellman-Hammett Award by Human Rights Watch and the Human Rights Award by Vietnam Human Rights Network in 2007.¹⁴⁷
214. On December 6, 2015, Nguyen Van Dai and three human rights activists were attacked and severely beaten by approximately 20 masked men. Nguyen Van Dai and his three associates were returning to Hanoi from a human rights workshop they had conducted for residents of Nghe An Province.¹⁴⁸
215. On December 15, 2015, 25 police officers arrested Nguyen Van Dai at his home in Hanoi. The officers searched his home and confiscated a number of items, including laptops, computers, USB sticks, cameras, camcorders,

¹⁴⁵ Lawyers for Lawyers, "Nguyen Van Dai", online: <<http://www.advocatenvooradvocaten.nl/lawyers/nguyen-van-dai/>>; International Federation for Human Rights, "Arrest and arbitrary detention of Mr. Nguyen Van Dai, a human rights lawyer and well-known defender of religious freedom" (18 December 2015), online: <<https://www.fidh.org/en/issues/human-rights-defenders/arrest-and-arbitrary-detention-of-mr-nguyen-van-dai-a-human-rights>>.

¹⁴⁶ "Vietnamese Activists Form 'Brotherhood for Democracy'", Radio Free Asia (8 May 2013), online: <<http://www.rfa.org/english/news/vietnam/brotherhood-05082013170834.html>>.

¹⁴⁷ Human Rights Watch, "Vietnam: Dissidents Struggle to Exercise Free Speech" (6 February 2007), online: <<https://www.hrw.org/news/2007/02/06/vietnam-dissidents-struggle-exercise-free-speech>>.

¹⁴⁸ Lawyers' Rights Watch Canada, "Viet Nam: Physical Attack on and Arrest of Lawyer Nguyễn Văn Đài | Joint Letter" (18 December 2015), online: <<http://www.lrwc.org/viet-nam-physical-attack-on-and-arrest-of-lawyer-nguyen-van-dai-joint-letter/>>.

books on human rights, envelopes containing money used to support relatives of prisoners of conscience and Nguyen Van Dai's savings account bank book. The arrest took place as Nguyen Van Dai was preparing to meet with European Union delegates in Hanoi for the EU-Vietnam human rights dialogue scheduled for that day.¹⁴⁹

216. Nguyen Van Dai has been charged with "spreading propaganda against the Socialist Republic of Vietnam". It appears that the charge relates to his organization of meetings to discuss the 2013 Vietnamese Constitution.¹⁵⁰
217. Human rights organizations believe that the attack, arrest and arbitrary detention of Nguyen Van Dai are a result of his human rights work. This is not the first time Nguyen Van Dai has been persecuted for his work. In 2007, Nguyen Van Dai was convicted of "conducting propaganda against the state" (see above).¹⁵¹

Defending Clients Involved in Politically Charged Cases

218. The political climate, negative perceptions or a client's past all play a role in barring clients from receiving adequate legal representation. The more unpopular the client, the harder it is for them to get a fair trial. Lawyers who represent unpopular clients are often targeted for their work.

¹⁴⁹ *Ibid.*

¹⁵⁰ Lawyers for Lawyers, "Nguyen Van Dai", online: <<http://www.advocatenvooradvocaten.nl/lawyers/nguyen-van-dai/>>; International Federation for Human Rights, "Arrest and arbitrary detention of Mr. Nguyen Van Dai, a human rights lawyer and well-known defender of religious freedom" (18 December 2015), online: <<https://www.fidh.org/en/issues/human-rights-defenders/arrest-and-arbitrary-detention-of-mr-nguyen-van-dai-a-human-rights>>.

¹⁵¹ *Ibid.*

Azerbaijan

Elchin Sadigov

219. Elchin Sadigov is a prominent criminal lawyer in Azerbaijan whose clients include several prisoners of conscience and other individuals who have faced politically motivated charges.¹⁵²
220. The Law Society intervened on his behalf in January 2017 after he and his family were intimidated and harassed by Azerbaijani authorities as a result of his representation of journalist Fikret Farmazoglu.

Intigam Aliyev

221. In September 2014, the Law Society intervened on behalf of Intigam Aliyev, a prominent human rights lawyer and vocal government critic who was arrested in August 2014. In April 2015, he was sentenced to seven-and-a-half years in prison on allegations of tax avoidance, illegal entrepreneurship and abuse of power. On March 28, 2016, he was released by Azerbaijani authorities.¹⁵³
222. Awarded the Homo Homini human rights award in the Czech Republic in 2012,¹⁵⁴ Intigam Aliyev helmed the Legal Education Society, a human rights organisation that provided legal support to low-income groups and non-governmental organizations. More specifically, the Legal Education Society defended human rights, prepared strategic litigation cases, trained lawyers and supplied human rights education. Intigam Aliyev has brought more than 200 cases before the European Court of Human Rights and succeeded in a number of them, including those pertaining to the right to vote, freedom of assembly, freedom of speech

¹⁵² Urgent Action, "Lawyer and Family Threatened and Harassed," online: Amnesty International <<http://www.amnestyusa.org/get-involved/take-action-now/take-action-end-harassment-of-human-rights-lawyer-and-family-azerbaijan-ua-25216>>.

¹⁵³ Amnesty International, "Azerbaijan Releases Human Rights Lawyer Intigam Aliyev" (28 March 2016), online: <<https://www.amnesty.org/en/press-releases/2016/03/azerbaijan-releases-human-rights-lawyer-intigam-aliyev/>>.

¹⁵⁴ NB: The Homo Homini award is bestowed on persons who have made significant contributions to the promotion of human rights, democracy and nonviolent solutions to political conflicts. It has been presented annually since 1994 by People in Need, a Czech non-profit, non-governmental organization that implements humanitarian relief and long-term development projects, educational programs, and human rights programs in crisis regions globally.

and the right to a fair trial.¹⁵⁵ Additionally, he provided legal aid to victims of politically motivated persecution and represented them at the European Court of Human Rights.¹⁵⁶ Subsequent to his arrest, the Legal Education Society was raided and closed by authorities.¹⁵⁷

Bahrain

Mohamed Issa Al Tajer

223. Mohamed Issa Al Tajer is a lawyer who provided legal aid to protestors during the Arab Spring. The Law Society intervened on his behalf in May 2011 and again in September 2012 after learning that he was targeted by Bahraini authorities for his work.
224. On April 15, 2011, masked and armed security forces raided Mohamed Issa Al Tajer's home, searching both his home and office and seizing computers and mobile phones. He was arrested and taken to an unknown location where he was detained and subjected to torture.¹⁵⁸
225. In May 2012, he attended the United Nations Human Rights Council Universal Periodic Review ("UPR") of Bahrain. Following his participation in the UPR, a video of Mohamed Issa Al Tajer being intimate with his wife was released to the public.¹⁵⁹

Taimoor Karimi

226. In July 2016, the Law Society intervened on behalf of Taimoor Karimi, a Shi'ite Muslim human rights lawyer who took part in Bahrain's pro-democracy protests

¹⁵⁵ "Homo Homini Award", People in Need, online: <<https://www.clovekvtsni.cz/en/human-rights/info/homo-homini-award>>.

¹⁵⁶ Amnesty International, "Azerbaijan Releases Human Rights Lawyer Intigam Aliyev" (28 March 2016), online: <<https://www.amnesty.org/en/press-releases/2016/03/azerbaijan-releases-human-rights-lawyer-intigam-aliyev/>>.

¹⁵⁷ *Ibid.*

¹⁵⁸ Law Society of Upper Canada, "Mohamed Issa Al Tajer Letters of Intervention and Public Statement" (27 May 2011).

¹⁵⁹ Law Society of Upper Canada, "Mohamed Issa Al Tajer Letters of Intervention and Public Statement" (27 September 2012).

in 2011 and defended some of the prominent activists who were jailed afterwards.¹⁶⁰

227. In November 2012, Bahraini authorities revoked Taimoor Karimi's citizenship, without which he cannot legally work in Bahrain. Officials also confiscated his identification card and denied him a bank account. On August 10, 2014, the public prosecutor summoned Taimoor Karimi for "violations of asylum and immigration law". On October 28, 2014, an order for his deportation was issued. The decision to deport was upheld on May 23, 2016 and on June 26, 2016, the government of Bahrain deported Taimoor Karimi to Iraq.¹⁶¹

Bangladesh

Adilur Rahman Khan

228. In November 2015, the Law Society intervened on behalf of Adilur Rahman Kahn, a prominent lawyer and human rights defender who has been subjected to death threats and acts of intimidation as a result of his legal work.
229. Adilur Rahman Kahn has worked on numerous high-profile "Freedom of Speech" cases in which journalists are charged – or, in some cases, detained without charge – as a means to silence them. He has also brought cases against governmental authorities and officials, including former President Ershad, and worked to convict police officers accused of torture and causing death in custody. He has represented families of victims of enforced disappearances and extrajudicial killings, and defends political detainees and trade union activists on a pro bono basis.¹⁶² In 2014, Adilur Rahman Khan was awarded the International

¹⁶⁰ Sami Aboudi, "Bahrain punishes opponents by revoking their citizenship", *Reuters* (31 March 2016), online: <<http://www.reuters.com/article/us-bahrain-security-insight-idUSKCN0WX1JY>>.

¹⁶¹ Jaskirat Singh, "Bahraini officials deport human rights lawyer Taimoor Karimi", *Americans for Democracy & Human Rights in Bahrain* (1 July 2016), online: <<http://www.adhrb.org/2016/07/bahraini-officials-deport-human-rights-lawyer-taimoor-karimi/>>; "Bahraini Authorities Forcibly Deport Human Rights Lawyer Taimoor Karimi", *Bahrain Center for Human Rights* (27 June 2016), online: <<http://bahrainrights.org/en/node/7950>>.

¹⁶² International Federation of Human Rights, "Adilur Rahman Khan", online: <https://www.fidh.org/IMG/pdf/adilur_biography.pdf>.

Bar Association's Human Rights Prize¹⁶³ and nominated as a finalist for the 2014 Front Line Defenders Award for Human Rights Defenders at Risk.¹⁶⁴

230. Adilur Rahman Khan, along with several other members of civil society, founded Odhikar, a human rights organisation whose purpose is to spread awareness of human rights and monitor alleged violations throughout Bangladesh. Since its founding in 1994, the organisation has reported extensively on human rights violations (particularly in respect of extrajudicial killings, torture, enforced disappearances, violence against women, and violations of rights of minority communities)¹⁶⁵ and has trained over 500 human rights defenders.¹⁶⁶ Odhikar has also earned the reputation of being a credible election monitoring body, and its staff and members have acted as international election monitors as a part of the Asia Network for Free Elections ("ANFREL").¹⁶⁷

Belarus

Emanuel Zeltser

231. In the late 1990s, Emanuel Zeltser, an American lawyer, represented a former Kremlin official, Pavel Borodin, who was charged by a Swiss court with money laundering. Emanuel Zeltser's other work has included bringing a lawsuit against a bank accused of money laundering.¹⁶⁸ The Law Society intervened on behalf of Emanuel Zeltser in June 2008 after he was detained in Belarus in March 2008.
232. On March 12, 2008, Emanuel Zeltser was held in a detention facility in Minsk where he was interrogated, beaten and denied the medicine required to treat his diabetes and arthritis. On March 21, 2008, he was charged with "use of forged

¹⁶³ Law Society of Upper Canada, "Public Statement Regarding Adilur Rahman Khan" (7 December 2015), online: <https://www.lsuc.on.ca/uploadedFiles/For_the_Public/News/News_Archive/2015/public-statement-khan-dec2015.pdf>.

¹⁶⁴ Front Line Defenders, "Adilur Rahman Khan", online: <<https://www.frontlinedefenders.org/en/profile/adilur-rahman-khan>>.

¹⁶⁵ International Federation of Human Rights, "Adilur Rahman Khan", online: <https://www.fidh.org/IMG/pdf/adilur_biography.pdf>.

¹⁶⁶ Front Line Defenders, "Adilur Rahman Khan", online: <<https://www.frontlinedefenders.org/en/profile/adilur-rahman-khan>>.

¹⁶⁷ International Federation of Human Rights, "Adilur Rahman Khan", online: <https://www.fidh.org/IMG/pdf/adilur_biography.pdf>.

¹⁶⁸ Law Society of Upper Canada, "Emanuel Zeltser Letter of Intervention and Public Statement" (27 June 2008).

documents". The U.S. Embassy was permitted to visit him only twice, on March 27 and April 25, 2008. After the second visit, the U.S. Consul reported that Emanuel Zeltser's health was failing.

China

Human Rights Violations Against Lawyers

233. In April 2008, the Law Society intervened on behalf of lawyers in China who were being harassed and persecuted by authorities for providing legal assistance to the hundreds of Tibetan protestors who were arrested in connection with the March 14, 2008 unrest in Tibet. Chinese authorities ordered lawyers to refrain from becoming involved in the "Tibet incident". Those that did become involved were questioned, placed under surveillance and had their phones tapped.¹⁶⁹

Wang Qiushi

234. Wang Qiushi is a Heilongjiang-based human rights lawyer. He often defends clients who are involved in politically sensitive cases. In March and April 2015, he represented women's rights activist Wei Tingting, one of five feminists arrested for planning anti-sexual harassment demonstrations. Wang Qiushi also defended fellow human rights lawyer Wang Quanzhang, who has been held in detention since July 10, 2015.¹⁷⁰

235. The Law Society intervened on Wang Qiushi's behalf when he was placed under "residential surveillance" by Chinese authorities in January 2016.¹⁷¹

Xia Lin

236. Xia Lin is a prominent human rights lawyer whose clients include artist Ai Weiwei, human rights lawyer Pu Zhiqiang, and human rights defender Guo Yushan. He also represented Tan Zuoren, a human rights defender jailed after documenting

¹⁶⁹ Law Society of Upper Canada, "Violations Against Lawyers Letter of Intervention and Public Statement" (16 April 2008).

¹⁷⁰ Front Line Defenders, "Wang Qiushi", online: <<https://www.frontlinedefenders.org/en/profile/wang-qiushi>>.

¹⁷¹ Front Line Defenders, "Case History: Wang Qiushi", online: <<https://www.frontlinedefenders.org/en/case/case-history-wang-qiushi>>.

the poor building construction that contributed to the high death toll in the earthquake that shook Sichuan province in 2008.¹⁷²

237. Xia Lin was arrested in November 2014 and subsequently convicted and sentenced to 12 years in prison on September 22, 2016 for “fraudulently obtaining 4.8 million yuan to pay off gambling debts”. According to his lawyer, Xia Lin believes that this harsh sentence is in retaliation for his legal representation of Guo Yushan.¹⁷³ These events prompted the Law Society’s intervention in December 2016.

The Democratic Republic of the Congo

Jean-Claude Mubalama and Charles Cubaka

238. Charles Cubaka and Jean-Claude Mubalama are Congolese lawyers who were involved in a high-profile appeal of four civilian men who were sentenced to death in August 2007 for the murder of radio journalist Serge Maheshe. The lawyers appear to have focused their arguments for overturning the conviction on the fact that investigators neglected to follow up on allegations of possible military involvement in Serge Maheshe’s murder. Consequently, both Charles Cubaka and Jean-Claude Mubalama received a series of anonymous threats warning them to stop criticising the conduct of the appeal hearing, to stop implicating the military in the murder, and to stop “tarnishing the image of the country”.¹⁷⁴

Marie-Thérèse Nlandu Mpolo-Nene

239. In February 2007, the Law Society intervened on behalf of human rights lawyer Marie-Thérèse Nlandu Mpolo-Nene.
240. The highly charged political climate in the Congo has made retaining legal representation difficult. Despite this, Marie-Thérèse Nlandu Mpolo-Nene agreed

¹⁷² Front Line Defenders, “Xia Lin”, online: <<https://www.frontlinedefenders.org/en/profile/xia-lin>>.

¹⁷³ Front Line Defenders, “Xia Lin sentenced to 12 years in prison”, online: <<https://www.frontlinedefenders.org/en/case/xia-lin-sentenced-12-years-prison>>.

¹⁷⁴ Law Society of Upper Canada, “Charles Cubaka and Jean-Claude Mubalama Letter of Intervention and Public Statement” (27 June 2008).

to represent Jean-Pierre Bemba, the former Vice President of the Congo, in his appeal to the Supreme Court of Justice.

241. On November 21, 2006, members of the Special Services police arrested Marie-Thérèse Nlandu Mpolo-Nene and charged her with “organising an insurrectionary movement” and “illegal possession of firearms”. The first charge was related to a speech she made to supporters of Jean-Pierre Bemba outside the Supreme Court on November 20, 2006. In that speech, she asked that Bemba’s supporters exercise their right to protest “in a disciplined way”. It appears that Marie-Thérèse Nlandu Mpolo-Nene’s arrest and detention are a result of her representation of Jean-Pierre Bemba.¹⁷⁵

Haiti

Mario Joseph, Newton St-Juste and André Michel

242. In 2012, the Law Society intervened on behalf of lawyers Mario Joseph, Newton St-Juste and André Michel.
243. Newton St-Juste and André Michel filed claims against both the wife and son of the Haitian President for corruption and embezzlement of public funds. Mario Joseph is a prominent human rights lawyer and the head of the International Lawyers Office (Bureau des Avocats Internationaux). He has been involved in a number of political cases, including proceedings against former dictator Jean-Claude Duvalier, complaints against the UN for their alleged involvement in spreading the cholera epidemic in Haiti, and cases of forced evictions of people left homeless after the earthquake.
244. That the personal security of these lawyers was at risk was inferred from the fact that on September 28, 2012, the now-former Chief Prosecutor of Port-au-Prince claimed that he had been dismissed by the Ministry of Justice because he

¹⁷⁵Law Society of Upper Canada, “Marie-Thérèse Nlandu Mpolo-Nene Letter of Intervention and Public Statement” (2 February 2007).

refused to implement an order to arrest 36 people, including Mario Joseph, Newton St-Juste and André Michel.

245. Moreover, all three lawyers reported receiving anonymous death threats and encountering other acts of intimidation, such as hostile graffiti painted on walls and police surveillance of their offices and homes. It is believed that the three lawyers were being targeted for their activism and criticisms against the Haitian government.¹⁷⁶
246. In November 2013, the Law Society intervened again on behalf of André Michel after he was arbitrarily detained by police on October 22, 2013. According to reports, André Michel's car was stopped by police officers who attempted to conduct a search of his vehicle. He refused to get out, stating that he would only permit the search if a Justice of the Peace was called, a request which is in accordance with Haitian law. The search was eventually carried out in the presence of a Justice of the Peace and no evidence of wrongdoing was found. However, André Michel was held overnight in custody for the obstruction of justice. It is notable that at the time of this incident, André Michel was still involved in the legal proceedings against the President's wife and son. That André Michel was being targeted for his work on that case is further evident from the arrest warrant issued against him in July 2013 for his alleged involvement in a murder. His client, the complainant in the corruption case against the Haitian President's wife and son, was arrested on the same charge.¹⁷⁷

India

Noor Mohammad, Muhammad Shoaib, Zayfaryab Jilani and A M Faridi

247. In November 2008, the Law Society intervened on behalf of four lawyers: Noor Mohammad, Muhammad Shoaib, Zayfaryab Jilani and A M Faridi. Despite the fact that some of India's bar associations had implemented bans preventing

¹⁷⁶Law Society of Upper Canada, "Re: Lawyers Mario Joseph, Newton St-Juste and André Michel" (30 October 2012).

¹⁷⁷ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 21 November 2013) at 143 – 147.

lawyers from defending Muslim clients accused of terrorist acts (which is contrary to the fundamental right to be considered innocent until proven guilty), these lawyers did exactly that. Consequently, the four lawyers were harassed, intimidated and assaulted. Also concerning was the fact that the police were complicit in the attacks against the lawyers.¹⁷⁸

Shalini Gera and Isha Khandelwal

248. Shalini Gera and Isha Khandelwal are human rights lawyers and the founders of the Jagdalpur Legal Aid Group (“JagLAG”), an organization that provides free legal aid to Adivasi people (a number of whom have been harassed and accused of having connections to the violent political movement affiliated with the Communist Party of India) in Bastar, Dantewada, Kanker, Sukma and Bijapur. JagLAG has also worked on cases involving alleged human rights abuses (e.g., torture in custody, illegal detention and extra-judicial killings) by police.¹⁷⁹ One of their clients is Santosh Yadav, a human rights journalist who has been falsely accused of being associated with Naxals (the Communist guerrilla groups in India) and detained since his arrest on September 29, 2015. While in detention, he has been physically abused by police officers.¹⁸⁰
249. On October 3, 2015, the Bastar Bar Association passed a resolution prohibiting any lawyer who is not registered with the local Bar Council from practising in the Jagdalpur courts. This resolution, which appears to be unlawful, prevents Shalini Gera and Isha Khandelwal from representing their clients in Jagdalpur, as they are both registered with the Delhi State Bar Council.
250. Human rights organizations believe that the resolution is intended to inhibit the work of Shalini Gera and Isha Khandelwal as lawyers for JagLAG. Furthermore, reports indicate that both lawyers have faced repeated harassment as a result of

¹⁷⁸ Law Society of Upper Canada, “Re: Lawyers Noor Mohammad, Muhammad Shoaib, Zayfaryab Jilani and A M Faridi” (7 November 2008).

¹⁷⁹ Front Line Defenders, “Shalini Gera”, online: <<https://www.frontlinedefenders.org/en/profile/shalini-gera>>; Front Line Defenders, “Isha Khandelwal”, online: <<https://www.frontlinedefenders.org/en/profile/isha-khandelwal>>.

¹⁸⁰ Front Line Defenders, “Case History: Shalini Gera”, online: <<https://www.frontlinedefenders.org/en/case/case-history-shalini-gera>>; Front Line Defenders, “Case History: Isha Khandelwal”, online: <<https://www.frontlinedefenders.org/en/case/case-history-isha-khandelwal>>.

their work in the region. The harassment they have experienced includes anonymous threats and anonymous police complaints.¹⁸¹

251. The foregoing prompted the Law Society to intervene and express its concern over Shalini Gera and Isha Khandelwal's situation in February 2016.

Iran

Nasser Zarafshan

252. Lawyer Nasser Zarafshan's ongoing detention prompted the Law Society to intervene on his behalf in February 2007. After four-and-a-half years of imprisonment, he was released in March 2007.
253. Nasser Zarafshan is a human rights lawyer, an author and a translator. He is also a member of the Committee on Serial Killings in Iran. In the late 1990s and early 2000s, he represented the families of two assassinated Iranian writers. In December 2000, Nasser Zarafshan was arrested and imprisoned for publishing information about the assassinations. In February 2002, he was tried in a closed-door military court.¹⁸²

Kazakhstan

Ermek Narymbaev

254. In December 2015, the Law Society intervened on behalf of human rights lawyer Ermek Narymbaev.
255. Ermek Narymbaev is well known for exposing financial fraud carried out by banks in Kazakhstan. He also provides legal advice to those that have been deliberately

¹⁸¹ *Ibid.*

¹⁸² Law Society of Upper Canada, "Nasser Zarafshan Letter of Intervention and Public Statement" (February 2007).

misinformed by banks.¹⁸³ In 2011, Ermek Narymbaev was awarded the Kazakh “Freedom” award.¹⁸⁴

256. On October 12, 2015, Ermek Narymbaev was arrested, along with Serikzhan Mambetalin, former head of the Rukhaniyat party. According to a police statement, the two were arrested for “circulat[ing] material on social media that contains clear signs of inciting national discord [and] insulting national honor and dignity”.¹⁸⁵ More specifically, the charges appear to be connected to Facebook posts about the writings of another activist that describe the Kazakh state in “provocative terms”.¹⁸⁶ Ermek Narymbaev could face up to 10 years in prison for “inciting social, national, clan, racial, class, or religious discord”.¹⁸⁷

Kenya

Haroun Ndubi

257. In March 2008, the Law Society intervened on behalf of Haroun Ndubi and his colleagues, all of whom received death threats for their legitimate human rights work.
258. Haroun Ndubi is a lawyer and member of the Kenya Democratic Observers Forum. His colleagues were Maina Kiai (Chairman of Kenya National Commission for Human Rights), Muthoni Wanyeki (Executive Director of Kenya Human Rights Commission) and David Ndii (author of a report on electoral irregularities).
259. It appears that the aforementioned death threats were in response to the statements made or actions taken by the above individuals in relation to the

¹⁸³ Council of Bars and Law Societies of Europe, “Re: Concerns regarding the case of Ermek Narymbaev, a human rights lawyer” (14 September 2015), online:

<http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/Letter_Kazakhstan_Er1_1442227725.pdf>.

¹⁸⁴ Front Line Defenders, “Ermek Narymbaev”, online: <<https://www.frontlinedefenders.org/en/profile/ermek-narymbaev>>.

¹⁸⁵ Human Rights Watch, “Kazakhstan: Two Activists Detained” (16 October 2015), online: <<https://www.hrw.org/news/2015/10/16/kazakhstan-two-activists-detained>>.

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

results of the Kenyan General Election held on December 27, 2007 and/or the human rights abuses that occurred subsequent to the election.¹⁸⁸

Lesotho

Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho

260. Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho are the lawyers representing 23 soldiers accused of plotting a mutiny with Maaparankoe Mahao (an ex-army chief who was killed on June 25, 2015).¹⁸⁹
261. Reports indicate that the lawyers are being subjected to harassment, threats and intimidation both inside and outside of the courtroom. For instance, it has been alleged that members of the Lesotho Defence Forces (“LDF”) have denied the lawyers access to their clients, have directly threatened the lawyers with physical harm, and carry assault weapons openly in court.¹⁹⁰ Even more alarming are reports that the lawyers have been followed by members of the Special Forces and are named on a “hit list” which was published on social media at the end of October 2015. Although its authorship is currently unknown, two people who were on a similar “hit list” the previous year were killed soon after its publication.¹⁹¹
262. In light of these circumstances, the Law Society intervened on behalf of the abovementioned lawyers in March 2016.

¹⁸⁸ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 March 2008) at 12–14.

¹⁸⁹ Lawyers’ Rights Watch Canada, “Lesotho: Security Situation of Lawyers and Independence of the Legal Profession | Joint Letter” (3 December 2015), online: <<http://www.lrwc.org/lesotho-security-situation-of-lawyers-and-independence-of-the-legal-profession-joint-letter/>>.

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

Libya

Salwa Bugaighis

263. Salwa Bugaighis was a prominent lawyer and human rights activist who played a significant role in Libya's 2011 revolution. She was an advocate for gender equality and women's political participation in Libya. In addition, she was a founding member of Libya's National Transitional Council and a member of the National Dialogue Preparatory Committee. Salwa Bugaighis was also known for her work defending political prisoners.¹⁹²
264. On June 25, 2014, Salwa Bugaighis was assassinated in her home in Benghazi, Libya by unknown assailants. It is believed that she was targeted because of her human rights work and advocacy.¹⁹³ In August 2014, the Law Society voiced its concerns over Salwa Bugaighis's assassination.

Malaysia

N. Surendran

265. N. Surendran is a Malaysian human rights lawyer who has worked on "death while in police custody" cases and represented the Hindu Rights Action Force, a non-governmental organisation committed to the preservation of Hindu community rights and heritage in a multiracial Malaysia.¹⁹⁴ He is also a politician and sits in the Malaysian Parliament as a member of the People's Justice Party, one of three opposition parties in the Malaysian Parliament.¹⁹⁵ Furthermore, he is currently defending the de facto opposition leader and prisoner of conscience Anwar Ibrahim against sodomy charges.¹⁹⁶

¹⁹² Law Society of Upper Canada, "Re: Assassination of lawyer Salwa Bugaighis" (15 August 2014), online: <[http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Letter_Prime_Minister_Lybia_August_2014\(1\).pdf](http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Letter_Prime_Minister_Lybia_August_2014(1).pdf)>.

¹⁹³ *Ibid.*

¹⁹⁴ "Surendran ready to take on Gobala in Padang Serai", *Malaysiakini* (12 April 2013).

¹⁹⁵ Lawyers' Rights Watch Canada, "Malaysia: Wrongful Prosecution of Lawyer N. Surendran – Letter" (8 September 2014), online: <<http://www.lrwc.org/malaysia-wrongful-prosecution-of-lawyer-n-surendran-letter/>>.

¹⁹⁶ *Ibid.*

266. In August 2014, two separate sedition charges were brought against N. Surendran for critical comments he made concerning a court verdict in Anwar Ibrahim's case.¹⁹⁷ It is believed that the criminal charges brought against N. Surendran are politically motivated, prevent him from carrying out his work, and amount to harassment and intimidation.¹⁹⁸ Accordingly, in November 2014 and again in August 2016, the Law Society intervened on behalf of N. Surendran.

Maldives

Mahfooz Saeed

267. In December 2015, the Law Society intervened on behalf of Mahfooz Saeed.

268. Mahfooz Saeed is a human rights lawyer and member of the legal team for former president Mohamed Nasheed. In 2015, Nasheed was convicted under the *Anti-Terrorism Act* and sentenced to 13 years in prison following proceedings which did not constitute a fair trial under international standards. In his blogs, Mahfooz Saeed has spoken critically about the shortcomings of the Maldives judicial system, escalating crime rate and deteriorating socio-political situation, and has called for judicial reform in the country.¹⁹⁹

269. On September 4, 2015, Mahfooz Saeed was attacked by two unidentified men and sustained stab wounds on one side of his head. The attack occurred one week after a public speech he gave criticising the government.²⁰⁰

Myanmar / Burma

Khin Khin Kyaw

270. In January 2016, the Law Society intervened on behalf of Khin Khin Kyaw.

¹⁹⁷ Amnesty International, "Malaysia: Drop charges against lawyer N. Surendran" (28 June 2016).

¹⁹⁸ *Ibid.*

¹⁹⁹ Front Line Defenders, "Mahfooz Saeed", online: <<https://www.frontlinedefenders.org/en/profile/mahfooz-saeed>>.

²⁰⁰ Front Line Defenders, "Case History: Mahfooz Saeed", online: <<https://www.frontlinedefenders.org/en/case/case-history-mahfooz-saeed>>.

271. Khin Khin Kyaw is a member of the legal team that is representing the more than 50 students who participated in the March 2015 protests to oppose Myanmar's National Education Law. The students have been detained and face charges related to unlawful assembly, rioting, harming public servants and public mischief.²⁰¹
272. While Khin Khin Kyaw was representing her clients in court on September 1, 2015, the judge refused to accept a minor amendment to the legal motion Khin Khin Kyaw had submitted. In response, the individuals in the courtroom loudly accused the judge of being biased. On September 15, 2015, Khin Khin Kyaw was charged with "disrupting the court"; her trial began on October 14, 2015. She faces up to six months in prison and the revocation of her licence to practice law.²⁰²
273. Human rights organizations believe that the trial against Khin Khin Kyaw is an attempt to prevent her from representing the student protestors.

Nyi Niy Htwe and Saw Kyaw Kyaw Min,

274. Human rights lawyers Nyi Niy Htwe and Saw Kyaw Kyaw Min defended 11 young National League for Democracy protesters who were arrested in September 2008 for peacefully marching while wearing t-shirts depicting Daw Aung Sung Suu Kyi (a Burmese politician and Leader of the National League for Democracy) to mark her birthday.
275. On October 29, 2008, Nyi Niy Htwe was arrested by the police, ostensibly for his role in defending the 11 youth protesters. The next day, he was sentenced to six months in prison by the Rangoon Northern District Court for "interruption and insulting [a] judiciary proceeding".

²⁰¹ Front Line Defenders, "Khin Khin Kyaw", online: <<https://www.frontlinedefenders.org/en/profile/khin-khin-kyaw>>.

²⁰² Council of Bars and Law Societies of Europe, "Re: Concerns regarding the case of Khin Khin Kyaw, a human rights lawyer" (3 December 2015), online: <http://ccbe.eu/fileadmin/user_upload/NTCdocument/HR_Letter_Myanmar_Kh1_1449219194.pdf>.

276. A warrant for Saw Kyaw Kyaw Min's arrest was issued. However, he failed to appear at the police station on October 30, 2008. Fearing a politically motivated arrest and detention, Saw Kyaw Kyaw Min fled Myanmar. However, he was found guilty *in absentia* for "interruption and insulting [a] judiciary proceeding" and sentenced to six months imprisonment. Saw Kyaw Kyaw Min's licence to practise law was revoked due to this criminal conviction. In 2012, he was one of 32 lawyers who, after having their licences suspended following a criminal conviction as punishment for engaging in political activities, sought to have their licences reinstated.

U Aung Thein and U Khin Maung Shein

277. Lawyers U Aung Thein and U Khin Maung Shein were arrested after their clients expressed (in a written statement) that they wished to dismiss their lawyers because they no longer had "faith in the judicial processes". The nature of this case and the two lawyers' involvement is not clear.

278. Both U Aung Thein and U Khin Maung Shein were convicted without a trial and were thus denied the opportunity to defend the charges brought against them.²⁰³ Consequently, the Law Society intervened on their behalf in January 2009.

Pakistan

Chaudhry Zulfiqar Ali

279. In July 2013, the Law Society sent a letter of intervention regarding the death of Chaudhry Zulfiqar Ali, Chief Prosecutor and former Deputy Director of the Federal Investigation Agency ("FIA"). He was shot in his car by unidentified assailants near his home in Islamabad.²⁰⁴

280. Chaudhry Zulfiqar Ali had a reputation for determinedly pursuing cases against individuals with powerful and sometimes militant connections. In both his roles as

²⁰³ Law Society of Upper Canada, "U Aung Thein and U Khin Maung Shein Letters of Intervention and Public Statement" (January 2009, September 2012).

²⁰⁴ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 June 2013) at 5 – 7.

Deputy Director and Chief Prosecutor of the FIA, he was heavily involved in several high-profile and dangerous prosecutions. For instance, he acted as the government's lead prosecutor in the case concerning the 2008 terrorist attack in Mumbai, India. This case involved an investigation into several members of the Lashkar-e-Taiba militant group and was ongoing at the time of Chaudhry Zulfiqar Ali's murder.

281. Also at the time of his death, Chaudhry Zulfiqar Ali was leading the prosecution against the suspects of the 2007 assassination of former Pakistani Prime Minister Benazir Bhutto. The accused in this case included suspected Taliban militants and the former military ruler Pervez Musharraf.
282. It has been speculated that Chaudhry Zulfiqar Ali's assassination may be connected to his involvement in these two particularly high-profile cases.²⁰⁵

Samiullah Afridi

283. Samiullah Afridi was a Pakistani lawyer who represented Dr. Shakil Afridi, a doctor who helped CIA agents track down al Qaeda leader Osama bin Laden by running a fake vaccination campaign.
284. In 2013, Samiullah Afridi stated that he had received a number of death threats from militant groups and organisations. In May 2014, he stepped down from Dr. Afridi's case.
285. On March 17, 2015, Samiullah Afridi was shot dead by unidentified assailants as he was returning to his home. A Taliban faction has claimed responsibility for the assassination.²⁰⁶
286. In light of the above events, the Law Society intervened in May 2015.

²⁰⁵ *Ibid.*

²⁰⁶ Jibran Ahmad, "Lawyer for Pakistan doctor who helped CIA find bin Laden shot dead", *Reuters* (17 March 2015), online: <<http://www.reuters.com/article/us-pakistan-lawyer-idUSKBN0MD23B20150317>>.

Peru

Francisco Soberon

287. Francisco Soberon is a human rights lawyer and activist in Peru. In 1983, he founded Asociacion Pro Derechos Humanos (“APRODEH”), the non-governmental organisation of which he is currently a director. The purpose of APRODEH is to combat the continued, egregious human rights abuses (including routine beatings, torture, disappearances, and arbitrary detentions) prevalent in Peru. APRODEH has come to play an increasingly central role in investigating and documenting human rights violations, and is known as one of the foremost human rights organisations in Latin America.
288. In 1985, Francisco Soberon organised human rights groups from across the country to form an effective coalition. He has served with numerous human rights organisations, including the United Nations, the International Federation of Human Rights (as Vice-President for South America), and the Coalition for an International Crime Court (as a member of the steering committee).²⁰⁷
289. For his human rights work, Francisco Soberon was awarded the National Order of Merit by the French government as well as the Letelier-Moffitt Human Rights Award by the Institute for Policy Studies.
290. The Law Society intervened on Francisco Soberon’s behalf in June 2008 after receiving reports that both he and APRODEH have been barraged with public attacks that were tantamount to harassment and intimidation. The harassment stemmed from Francisco Soberon’s involvement in the prosecution of former Peruvian President Alberto Fujimori and consisted of threats from senior government officials and the Peruvian government’s attempt to have APRODEH declared a terrorist organization.²⁰⁸

²⁰⁷ PBS, “Francisco Soberon”, online: <<http://www.pbs.org/speaktruthtopower/francisco.html>>.

²⁰⁸ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada 26 June 2008) at 18 –19.

Philippines

Maria Catherine Dannug-Salucon

291. Maria Catherine Dannug-Salucon is a human rights lawyer who has worked on many high-profile cases, including the defence of several political detainees and advocacy on behalf of various human rights organisations.²⁰⁹ She is also a founding member of the National Union of Peoples' Lawyers ("NUPL"), a nationwide voluntary association of human rights lawyers in the Philippines that is committed to the defence, protection, and promotion of human rights. NUPL's clientele is comprised primarily of the poor, marginalised and oppressed, including farmers, workers, women, children, migrant workers, indigenous peoples, Moro people,²¹⁰ minority groups, political activists and human rights defenders.²¹¹
292. The Law Society intervened on behalf of Marie Catherine Dannug-Salucon in June 2014 after receiving reports that she was the subject of various forms of harassment – including surveillance and verbal intimidation – by members of the military. The fact that she was placed on the Filipino military's watch list of "Communist Terrorist supporters who provide legal services" and labelled a "Red Lawyer" suggests that the harassment was related to her work in politically charged cases.²¹²

²⁰⁹ Lawyers' Rights Watch Canada, "Philippines: The personal and professional safety of Atty. Catherine Dannug-Salucon threatened by unwarranted surveillance and labeling | Letter" (22 April 2014), online: <<http://www.lrwc.org/philippines-the-personal-and-professional-safety-of-atty-catherine-dannug-salucon-threatened-by-unwarranted-surveillance-and-labeling-letter/>>.

²¹⁰ "The Moro people, or Bangsamoro, are a population of indigenous ethnic Muslims in the Philippines, forming the largest non-Catholic group in the country, and comprising about 10% of the total Philippine population." – see Project Gutenberg, "Moro (Ethnic Group)", online: <[http://gutenberg.us/articles/eng/Moro_\(ethnic_group\)](http://gutenberg.us/articles/eng/Moro_(ethnic_group))>.

²¹¹ National Union of Peoples' Lawyers, "About NUPL", online: <<https://nupl.wordpress.com/about-nupl/>>.

²¹² Law Society of Upper Canada, "Re: Ongoing harassment of Maria Catherine Dannug-Salucon" (2 June 2014), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Philippines%20Dannug-Salucon%20letter%20for%20Treasurer's%20signature.pdf>.

Russia

Sapiyat Magomedova

293. The Law Society intervened on behalf of Sapiyat Magomedova, a criminal and human rights lawyer, in November 2010, April 2012 and July 2013. Her law firm is known for taking on cases relating to abductions, torture and extrajudicial executions in the Northern Caucasus region of Dagestan in Russia.
294. Sapiyat Magomedova represents victims in highly sensitive cases. She has defended individuals suspected of involvement with the insurgency in Dagestan and who have been tortured by the police. As a result of discharging her professional duties, Sapiyat Magomedova has experienced a continued pattern of harassment and intimidation.
295. Sapiyat Magomedova was assaulted by police inside Khasavyurt town police station on June 17, 2010. She traveled there to visit a client, but was denied access. She was subsequently taken to a security checkpoint by four police officers from the special intervention unit. They then beat her until she was unconscious. As a result, Sapiyat Magomedova was hospitalised for several weeks.
296. In October 2010, Sapiyat Magomedova challenged the legality of the prosecutor's decision to open a criminal case against her. Reports indicate that several procedural violations occurred during the court hearings. For instance, the hearing of her application began later than is legally mandated and only after a lawyer representing Sapiyat Magomedova contacted the court about it. The first hearing on November 1, 2010 was adjourned and has since been delayed twice.
297. On March 14, 2012, Sapiyat Magomedova learned that the criminal investigations against both her and the officers who had assaulted her had been closed several months prior and without any notification to her. At that time, she and a colleague were working on a high-profile criminal case, representing the

families of five murdered men. On May 19, 2013, her colleague received an anonymous text message threatening death.²¹³

Sudan

Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi

298. Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi are lawyers and members of the Amel Centre for the Treatment and Rehabilitation of Victims of Torture. This organisation provides legal aid to victims of torture and sexual violence. Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi have all been harassed, threatened and summoned to security offices and detained.
299. In May 2006, officers from the National Security Bureau (“NSB”) in Nyala, Southern Darfur, summoned Mossaad Mohamed Ali for questioning. He was detained and denied access to his family and to legal counsel. Security officers denied the United Nations Mission in Sudan’s (“UNMIS”) request to meet with him. No reason was given as to why Mossaad Mohamed Ali was summoned, arrested and detained incommunicado.
300. On July 27, 2006, Mossaad Mohamed Ali and volunteer lawyers at the Amel Centre, Rasha Souraj and Ebtisam Alsemani, were accused of sending false reports and of disclosing information of a military nature. They were then warned that their case had been given to the police and that they would likely be arrested following a police investigation.
301. On August 1, 2006, Mossaad Mohamed Ali and Najat Dafa Alla were accused of spreading false information and of being a threat to public security. It is believed that they were being investigated for their work in defending the rights of five

²¹³ Law Society of Upper Canada, “Sapient Magomedova Letters of Intervention and Public Statements” (November 2010, April 2012, July 2013).

individuals from the Otash camp who were detained after participating in a demonstration against the Darfur Peace Agreement on May 30 and 31, 2006.²¹⁴

Syria

Haytham al-Maleh

302. Haytham al-Maleh is a Syrian human rights lawyer who has been imprisoned by Syrian authorities for "weakening national sentiment", "spreading false information", and insulting the President and the judiciary. At the time of his arrest, Haytham al-Maleh was defending Muhannad al-Hassani, another human rights lawyer and the President of the Syrian Human Rights Organization ("SHRO"), who was being tried on charges related to his work defending the rights of political prisoners.
303. On October 13, 2009, an officer from the Political Security, Syria's Intelligence Services, contacted Haytham al-Maleh, and told him to report to the Political Security's branch in Damascus. He refused to go. The next day, he disappeared. Initially, Haytham al-Maleh's whereabouts were unknown, but on October 18, 2009, Syrian authorities acknowledged that they had him in custody.
304. Haytham al-Maleh has been imprisoned and harassed by Syrian authorities for his human rights work before. He was imprisoned from 1980-1986 for his work for the Freedom and Human Rights Committee of the Syrian Lawyers Union.²¹⁵

Muhannad al-Hassani

305. In February 2010, the Law Society intervened on behalf of Syrian lawyer Muhannad al-Hassani. His work centered on defending Syrian political prisoners and exposing abuses in the Supreme State Security Court ("SSSC"), a special

²¹⁴ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 26 October 2006) at 21– 24; Law Society of Upper Canada, "Re: Lawyers-Mossaad Mohamed Ali; Rasha Souraj, Ebtisam Alsemani, Najat DafaAlla, and Mohamed Badawi" (30 October 2006), online: <http://www.lsuc.on.ca/media/sudan_al_souraj_alsemani_dafaalla_badawi.pdf>.

²¹⁵ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee, (Toronto: Law Society of Upper Canada, 28 January 2010) at 20 – 21.

tribunal that handles politically sensitive cases and is not bound by a code of procedure.

306. Although Muhannad al-Hassani was not representing a client at the proceedings, he attended and documented SSSC proceedings. For this he was arrested and charged with “weakening national sentiment” and “spreading false information”. Muhannad al-Hassani was both imprisoned and disbarred.²¹⁶

Radeef Moustafa

307. Radeef Moustafa is the president of the Kurdish Committee for Human Rights and coordinator of the Syria Coalition against Capital Punishment. He provides pro bono legal services to human rights defenders in Syria, such as Muhannad Al-Hassani.
308. In response to Radeef Moustafa’s activities in support of human rights defenders and the Kurdish minority in Syria, he has experienced ongoing harassment from Syrian authorities. He has been subjected to travel restrictions and, on December 19, 2010, was summoned for a disciplinary hearing before the Syrian Bar Association. The grounds for the disciplinary action included membership in a non-licensed organisation, incitement against Syrian authorities through his writing and harming national unity by publishing unfounded news. He was also accused of committing crimes against state security.²¹⁷

Razan Zaitouneh

309. Razan Zaitouneh is a prominent human rights lawyer who has won several awards for her human rights work, including the 2013 International Women of Courage Award and the 2011 Sakharov Prize for Freedom of Thought. She primarily defends political prisoners. Razan Zaitouneh is also a co-founder of both the Violations Documentation Centre (“VDC”) and the Local Development

²¹⁶ Law Society of Upper Canada, “Muhannad al-Hassani Letter of Intervention and Public Statement” (2 February 2010).

²¹⁷ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 January 2011) at 22 – 23.

and Small Projects Support (“LDSPS”). The VDC is a non-governmental organisation that documents human rights abuses committed by the Syrian government; the LDSPS provides humanitarian assistance.

310. On December 9, 2013, Razan Zaitouneh, her husband and two colleagues were abducted by unknown individuals from the joint office of the VDC and the LDSPS. In the months prior to her abduction, Razan Zaitouneh had received threats from at least one armed opposition group in Eastern Ghouta. Reports indicate that the abduction of Razan Zaitouneh and her colleagues is linked to their human rights work.²¹⁸
311. Razan Zaitouneh’s abduction prompted the Law Society to intervene on her behalf in February 2016.

Tajikistan

Buzurgmehr Yorov

312. Buzurgmehr Yorov is a human rights lawyer, the Chairman of the Bar Association of Dushanbe and a member of the opposition Social Democratic Party of Tajikistan. As head of the law firm Sipar, Buzurgmehr Yorov was involved in a number of high-profile legal cases throughout the 2000s, representing individuals prosecuted by the government of Tajikistan on charges deemed politically motivated.²¹⁹
313. In 2011, he represented prominent religious figure and former senator Hoji Akbar Turajonzoda when Turajonzoda sued the head of the state-backed Council of Ulems (Islamic scholars) for defamation. The case occurred amidst a government-led crackdown against Turajonzoda and his brothers, all three of whom frequently criticised the state religion policy. In 2013, Buzurgmehr Yorov represented Muhiddin Kabiri, a member of parliament and leader of the Islamic

²¹⁸ Law Society of Upper Canada, “Re: Persecution of human rights lawyer Razan Zaitouneh” (4 February 2016), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Syria-Razan%20Zaitouneh.pdf>.

²¹⁹ Human Rights Watch, “Tajikistan: Free Human Rights Lawyers” (4 May 2016), online: <<https://www.hrw.org/news/2016/05/04/tajikistan-free-human-rights-lawyers>>.

Revival Party who had been sued by the Dushanbe Mayor's Office for criticising the practice of massive tree-cutting in the capital. In 2014, Buzurgmehr Yorov represented Fakhriddin Zokirov, another Tajik lawyer whose arrest on forgery charges was believed to be retaliation for his representation of Zayd Saidov, a businessman and politician.²²⁰ Burzurgmehr Yorov also offered to represent Alexander Sodiqov, a Canada-based PhD student who, in June 2014, had been detained by Tajikistani authorities and charged with spying and treason while conducting research in Tajikistan. Sodiqov's family declined the offer, fearing that the outspoken lawyer's affiliation with an opposition party might politicise the case.²²¹

314. In 2015, Buzurgmehr Yorov began to provide legal counsel to members of the Islamic Renaissance Party of Tajikistan (“IRPT”), which was (at that time) the only Islamic political party legally registered in Central Asia and a strong opposition to the government of Tajikistan. The IRPT members had been arrested and charged by authorities on September 16, 2015; on September 29, 2015, the Supreme Court of Tajikistan banned the IRPT and declared it a terrorist organization.²²²
315. On September 28, 2015, Buzurgmehr Yorov was arrested and detained on fraud-related charges.²²³ His arrest occurs in the context of a worsening government crackdown on lawyers who take on politically sensitive cases, and human rights organizations believe that his arrest and detention are a direct result of his representation of members of the IRPT.²²⁴ In December 2015, authorities added three new charges against Buzurgmehr Yorov: creating an extremist group; public propagation of extremist ideas; and inciting national, racial, or religious hostility.

²²⁰ Catherine Putz, “Want to Get Arrested in Tajikistan? Be a Lawyer”, *The Diplomat* (15 March 2016), online: <<http://thediplomat.com/2016/03/want-to-get-arrested-in-tajikistan-be-a-lawyer/>>.

²²¹ Amnesty International Russia, online: <<https://amnesty.org.ru/node/2963/>>.

²²² Lawyers for Lawyers, “Tajikistan Human rights lawyer arrested” (4 November 2015), online: <<http://www.advocatenvooradvocaten.nl/fr/11212/tajikistan-human-rights-lawyer-arrested/>>.

²²³ *Ibid.*

²²⁴ Human Rights Watch, “Tajikistan: Human Rights Lawyer Detained” (7 October 2015), online: <<https://www.hrw.org/news/2015/10/07/tajikistan-human-rights-lawyer-detained>>.

316. On October 6, 2016, Buzurgmehr Yorov was convicted on and sentenced to 21 years in prison. He has also been banned from practising law for five years following the completion of his prison sentence.
317. Reports indicate that authorities systematically interfered with his right to counsel and severely restricted public access to the trial. Moreover, the prosecution presented no credible evidence against him.
318. The foregoing prompted the Law Society to intervene on Buzurgmehr Yorov's behalf in February 2016 and January 2017.

Jamshed Yorov

319. Jamshed Yorov is a human rights lawyer and the brother of Buzurgmehr Yorov (see above). He is known for representing Mahmadalli Hait, the deputy chairman of the banned opposition Islamic Renaissance Party of Tajikistan ("IRPT") who was sentenced to life imprisonment after a closed-door ruling by Tajikistan's Supreme Court.²²⁵
320. On August 22, 2016, Jamshed Yorov was arrested and detained on the charge of "disclosure of State secrets" for allegedly leaking a classified court judgment from Mahmadalli Hait's case on the Internet.²²⁶
321. On the understanding that Jamshed Yorov's arrest may have resulted from the exercise of his legitimate duties as legal counsel to Mahmadalli Hait, the Law Society intervened on Jamshed Yorov's behalf in December 2016.

Nuriddin Makhkamov

322. Nuriddin Makhkamov is a human rights lawyer who has also represented members of the IRPT. He also acted as legal counsel for fellow human rights lawyer Buzurgmehr Yorov (see above).

²²⁵ Law Society of Upper Canada, "Re: Arrest of lawyer Jamshed Yorov" (9 December 2016), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Tajikistan_lawyer%20Jamshed%20Yorov.pdf>.

²²⁶ *Ibid.*

323. Nuriddin Makhkamov was arrested on October 22, 2015 on charges of swindling and fraud; during his pre-trial detention, additional charges of “arousing national, racial, local or religious hostility” and extremism were brought against him. According to reports, Nuriddin Makhkamov was placed in solitary confinement for three days when he went on a hunger strike to protest his arbitrary detention.
324. On October 6, 2016, Nuriddin Makhkamov was convicted and sentenced to 23 years in prison. He has also been banned from practising law for five years following the completion of his prison sentence. Reports indicate that authorities systematically interfered with his right to counsel and severely restricted public access to the trial. Moreover, the prosecution presented no credible evidence against him.
325. In light of the foregoing, the Law Society intervened on his behalf in January 2017.

Shukhrat Kudratov

326. In light of the circumstances described below, the Law Society intervened on behalf of Shukhrat Kudratov in March 2015.
327. Shukhrat Kudratov is a human rights lawyer who is well known for defending opposition activists, victims of police torture and religious extremists.²²⁷ He is the lawyer for the independent news agency “Asia-Plus”, as well as the deputy director of the opposition Social Democratic Party. In 2011, Shukhrat Kudratov was awarded the Human Rights Defender of Tajikistan award by the Bureau for Human Rights and Rule of Law.²²⁸
328. On July 21, 2014, Sukhrat Kudratov was arrested in his office and charged with three criminal offences, one of which was attempted bribery of a judge. It is believed that he was targeted as a result of his human rights work, which included the defence of Zaid Saidov, an opposition activist who was arrested and

²²⁷ International Federation for Human Rights, “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>>.

²²⁸ *Ibid.*

convicted in late 2013 after announcing the creation of a new opposition party.²²⁹ Shukhrat Kudratov's arrest took place six days after he issued a public letter addressed to foreign parliaments, governments, embassies and international human rights organisations 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.²³⁰ Shukhrat Kudratov is the second of Zaid Saidov's lawyers to be detained.²³¹

329. On January 13, 2015, Shukhrat Kudratov was sentenced to nine years in a penal colony for bribery and fraud.²³² He is also prohibited from performing any activities as a lawyer upon completion of his prison term.²³³

Thailand

Robert Amsterdam

330. Robert Amsterdam has acted for many clients involved in politically sensitive circumstances. He was legal counsel to former Prime Minister of Thailand Thaksin Shinawatra, political prisoners like Eligio Cedeno of Venezuela and Singapore's Dr. Chee Soon Juan.
331. As a result of his work, Robert Amsterdam has been intimidated and harassed. For instance, he was threatened with legal action for representing former Prime Minister of Thailand Thaksin Shinawatra.²³⁴

Sirikan Charoensiri

332. Sirikan Charoensiri is a lawyer with Thai Lawyers for Human Rights ("TLHR").
333. On June 26, 2015, 14 student activists with the New Democracy Movement ("NDM") were arrested and charged with violating a prohibition on gatherings of

²²⁹ *Ibid.*

²³⁰ *Ibid.*

²³¹ *Ibid.*

²³² *Ibid.*

²³³ Front Line Defenders, "Case History: Shukhrat Kudratov", online:

<<https://www.frontlinedefenders.org/en/case/case-history-shukhrat-kudratov>>.

²³⁴ Law Society of Upper Canada, "Robert Amsterdam Letter of Intervention and Public Statement" (16 August 2011).

more than five people. Sirikan Charoensiri represented the activists at their hearing along with seven other TLHR lawyers.

334. After the activists' hearing on June 27, 2015, police attempted to conduct a warrantless search of Sirikan Charoensiri's car. Sirikan Charoensiri refused to consent to the search and attempted to file a complaint for police malfeasance. The police refused to accept her complaint and summarily impounded her car. When Sirikan Charoensiri attempted to file another complaint, she was told by a senior officer that the police would take "some form of legal action" against her unless she abandoned her right to complain. The police subsequently obtained a warrant to search her car from the Court, but without advising the presiding judge that the car in question belonged to counsel for the accused. The police then searched Sirikan Charoensiri's car and seized three of the activists' mobile phones as evidence. Later that evening, the police finally accepted Sirikan Charoensiri's complaint regarding the unlawful search and seizure of her car. On June 29, 2015, police questioned Sirikan Charoensiri's parents about her background and asked them to identify her in photographs.
335. The harassment of Sirikan Charoensiri continued on February 9, 2016 when she was summoned to report to the Chanasongkram Police Station on the following criminal charges: concealing evidence, filing a false police report, and refusing to comply with an order of a competent official.²³⁵
336. The foregoing prompted the Law Society to intervene in May 2016.

Tunisia

Mohammed Abbou

337. Mohammed Abbou, a lawyer and member of the National Council for Civil Liberties in Tunisia, was arrested in March 2005 as a result of an article he published online. In November 2005, the United Nations Working Group on

²³⁵ Law Society of Upper Canada, "Re: Harassment of Human Rights Lawyer Sirikan Charoensiri" (6 May 2016), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Thailand%20-%20Sirikan%20Charoensiri.pdf>.

Arbitrary Detention concluded that Mohammed Abbou's detention was arbitrary and in violation of international law.

338. In April 2006, Mohammed Abbou was sentenced to three years and six months in prison. While in detention, he faced harassment and ill treatment by prison administration, and undertook several hunger strikes to protest the conditions of his detention.²³⁶
339. The Law Society intervened on behalf of Mohammed Abbou in October 2006.

Turkey

Lawyers Defending the Kurdish Minority

340. In October 2012, the Law Society intervened on behalf of Turkish lawyers who were detained and charged, ostensibly for providing legal counsel to members of the Kurdish political movement. Lawyers representing imprisoned Kurdistan Workers Party (“PKK”) leader Abdullah Öcalan were particularly at risk.
341. In November and December 2011, a police operation aimed at dismantling an alleged terrorist network known as the Kurdistan Communities Union (“KCU”) (the purported political front of the PKK) commenced. The police operation targeted lawyers believed to be providing legal services to Abdullah Öcalan. These lawyers were arrested and charged, and their law offices and homes were searched.

Lawyers Working on Human Rights Cases

342. In January 2013, fifteen human rights lawyers were arrested. Nine of the lawyers are members of the Progressive Lawyers’ Association (“CHD”), which is affiliated with the European Association of Lawyers for Democracy and World Human Rights (“ELDH”). The lawyers who were arrested are known for providing legal services to persons accused of terrorism and/or crimes against the state, as well as members of minority groups. They have also been particularly active in

²³⁶ Law Society of Upper Canada, “Mohammed Abbou Letter of Intervention and Public Statement” (October 2006).

representing victims of police violence. It is believed that the lawyers were being targeted for their human rights work. Accordingly, the Law Society intervened on their behalf in February 2013.

Lawyers Denouncing Repression

343. The Law Society was prompted to intervene in June 2013 when more than 50 lawyers were arrested on June 11, 2013 for protesting at Caglayan Justice Palace to denounce the repression of the Occupy Gezi protestors. Many of the lawyers were reportedly beaten and kicked on the ground by police and their clothes were torn.²³⁷

Prosecutors and judges arrested/suspended following a failed military coup

344. Following a failed military coup d'état attempt in Turkey on July 15, 2016, approximately 755 judges and prosecutors were detained. Furthermore, an additional 2,745 judges and prosecutors were suspended by the Turkish High Council of Judges and Prosecutors. The number of judges and prosecutors arrested and suspended amounts to one-fifth of Turkey's justice system. All of these judges and lawyers were accused of being involved with the attempted coup, notwithstanding that there was no evidence to support such allegations.²³⁸ The Law Society intervened in July 2016.

Levent Piskin

345. Levent Piskin is a human rights lawyer who was arrested by the Turkish police on November 14, 2016. He is alleged to have conveyed messages from his client, Peoples' Democratic Party co-chair Selahattin Demirtas, to the German publication Der Spiegel. According to reports, Levent Piskin met with Selahattin

²³⁷ Law Society of Upper Canada, "Turkey: Lawyers Letters of Intervention and Public Statement" (June 2013).

²³⁸ Law Society of Upper Canada, "Re: Arrest and Suspension of Lawyers and Judges in Turkey" (21 July 2016), online:

<http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Turkey_lawyers.pdf>.

Demirtas on November 5, 2016 in Edirne prison where Selahattin Demirtas has been detained since November 4, 2016.

346. Levent Piskin was expected to participate in the defence of 46 lawyers facing judicial harassment on the day of his arrest. On November 16, 2016, he was provisionally released pending the end of the investigation. To date, no formal charges have been brought against him.

347. The Law Society intervened on his behalf in January 2017.

Ramazan Demir

348. Ramazan Demir was arrested and charged with “insulting or...offending the dignity of a public authority in the performance of his duties” under section 125 of Turkey’s *Criminal Code*. The charge and arrest stemmed from his defence of journalists during the Koma Civakên Kurdistan (“KCK”) trials.

349. In 2012, 44 journalists were arrested on terrorist charges and accused of backing the illegal pan-Kurdish umbrella group KCK. Human rights groups consider the prosecution of these journalists to be a part of the government's efforts to curb free speech in Turkey. Ramazan Demir acted as legal counsel to some of the journalists arrested.

350. During his clients’ hearing on November 16, 2012, Ramazan Demir rebutted the prosecutor’s allegation that the journalists on trial were not independent journalists. He challenged the capacity of the prosecutor to determine that the journalists were conducting activities that were not “normal” or “independent” journalistic activities, and requested the court to call and hear expert testimony on the subject. Six months later, on May 13, 2012, the Special Prosecutor of the 15th Serious Crimes Court filed a complaint against Ramazan Demir regarding his submissions. On September 9, 2013, the Special Prosecutor was authorized by the Ministry of Justice to file an indictment against Ramazan Demir under section 125 of Turkey’s *Criminal Code*.

351. In addition to defending journalists, Ramazan Demir is known for mobilising support in favour of lawyers prosecuted in two mass anti-terrorism trials. Human

rights groups view Ramazan Demir's case as an example of ongoing judicial harassment of lawyers.²³⁹

352. In light of the foregoing, the Law Society intervened on behalf of Ramazan Demir in April 2014.

Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu), Tamer Doğan and Mustafa Rüzgar

353. On March 16, 2016, police arrested and raided the houses of the following nine lawyers in Istanbul, Turkey: Ramazan Demir, İrfan Arasan, Ayşe Acinikli, Hüseyin Boğatekin, Şefik Çelik, Adem Çalışçı, Ayşe Başar (Gosterislioglu), Tamer Doğan and Mustafa Rüzgar. All nine are members of the Libertarian Lawyers Association (Özgürlükcü Hukukçular Derneği – “ÖHD”) and represented one or more of the lawyers arrested in 2011 on charges of working for, or belonging to, a terrorist organisation for defending the leader of the Kurdistan Workers' Party (“PKK”). The Law Society intervened in May 2016.

Tahir Elçi

354. In November 2011, the Law Society intervened on behalf of Tahir Elçi. Following his assassination in November 2015, the Law Society intervened again.
355. On November 28, 2015, Tahir Elçi was speaking at a news conference at a historic mosque in Diyarbakir, Turkey when he was shot by an unknown individual.
356. Tahir Elçi was a prominent human rights lawyer and president of the Diyarbakir Bar Association. An active human rights lawyer since the 1990s, he played a critical role in investigating alleged abuses by the Turkish state, all the while remaining critical of Kurdish militants. He worked to represent and assist families

²³⁹ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 24 April 2014).

of victims of egregious human rights violations, such as enforced disappearances and extrajudicial killings by government agents and/or security forces.²⁴⁰

357. Previously, Tahir Elçi had been detained and received death threats for stating that the separatist Kurdistan Workers' Party ("PKK") should not be regarded as a terrorist organization.²⁴¹

Ukraine

Yuri Grabovski

358. Yuri Grabovski was a Ukrainian human rights lawyer defending an alleged Russian intelligence officer captured in eastern Ukraine who the Ukrainian government intended to use in a prisoner exchange with Russia.
359. Yuri Grabovski disappeared on March 6, 2016 while returning to Kiev from a business meeting in Odessa. His body was found on March 25, 2016. Two Ukrainian men have been detained in connection with the crime. There is a question of whether Yuri Grabovski's murder was meant to send a message to all other lawyers involved in highly politicized cases between Russia and Ukraine.²⁴²
360. In May 2016, the Law Society voiced its concerns over Yuri Grabovski's murder and the safety of lawyers in Ukraine.

²⁴⁰ "Turkey arrests prominent lawyer over PKK comments", *Al Jazeera* (20 October 2015), online : <<http://www.aljazeera.com/news/2015/10/turkey-arrests-prominent-lawyer-pkk-comments-151020085312267.html>>.

²⁴¹ Law Society of Upper Canada, Public Statement, "The Law Society of Upper Canada expresses grave concerns about the murder of lawyer Tahir Elçi in Turkey" (7 December 2015), online: <https://www.lsuc.on.ca/uploadedFiles/For_the_Public/News/News_Archive/2015/public-statement-elci-dec2015.pdf>.

²⁴² Allison Quinn, "Lawyer representing alleged Russian terrorists in Ukraine found dead", *The Telegraph* (27 March 2016), online: <<http://www.telegraph.co.uk/news/2016/03/27/lawyer-representing-alleged-russian-terrorists-in-ukraine-found/>>.

United Arab Emirates

Dr. Mohamed 'Abdullah al-Roken, Dr. Mohamed al-Mansoori and Salem al-Shehhi

361. Dr. Mohamed 'Abdullah al-Roken acted as defence counsel for five United Arab Emirates (“UAE”) residents who were arrested in April 2011 for posting articles on an online forum that were critical of the UAE government and called for political reform. In retaliation, UAE authorities prevented him from lecturing at the University of Al Ain. Additionally, on July 17, 2012, as Dr. al-Roken was driving to the police station in Dubai to report that his son and brother-in law were missing, he was placed under arrest.
362. Dr. Mohamed al-Mansoori is the former head of the UAE Jurists' Association. He is also the deputy chairman for al-Islah. In January 2012, he was dismissed from his position as legal advisor to the government of Ras Al Khaimah after he criticised restrictions on freedom of speech in the UAE during a television interview. In addition, he has been barred from traveling since October 2007 and the government has refused to renew his passport. On July 16, 2012, Dr. al-Mansoori left his house to run an errand when he was arrested and taken into custody. Officers also searched his home, seizing laptops, an iPad and papers.
363. Salem al-Shehhi, a lawyer, was arrested on July 18, 2012 when he went to the State Security Prosecutor's office to ask about his clients, Dr. al-Mansoori and Dr. al-Roken.²⁴³

Human Rights Lawyers Speaking Out

364. In July 2013, the Law Society intervened on behalf of 94 lawyers, activists and human rights defenders in the UAE.
365. Since March 4, 2013, 94 government critics, many of them lawyers, have been on trial for violating the Penal Code provision which prohibits founding,

²⁴³ Law Society of Upper Canada, “United Arab Emirates Letters of Intervention and Public Statement” (September 2012).

organising, or operating a group that aims to overthrow the country's political system. Approximately 60 of those arrested are connected to the Reform and Social Guidance Association (al-Islah), a peaceful group that advocates for greater adherence to Islamic precepts. At least 64 of the defendants were arrested and held in undisclosed locations for up to a year prior to the trial, some in extended periods of solitary confinement. Reports indicate that at least some of them had also been subjected to torture and ill-treatment while in custody. Many of the defendants were also denied legal assistance for several months, and when they eventually did see a lawyer, it was done so in the presence of a representative of the State Security Prosecutor, contrary to Emerati law and international fair trial standards.

366. Independent observers and international media were barred from attending the trial, which has been plagued by allegations of unfairness and a lack of due process. The lawyers for the defendants further identified that their case files had been tampered with. Relatives of the defendants were also barred from attending the trial. If convicted, the defendants could face up to 15 years imprisonment.²⁴⁴

Venezuela

Juan Carlos Gutierrez

367. Juan Carlos Gutiérrez is a lawyer and counsel to Venezuelan opposition leader and political prisoner Leopoldo López.
368. On April 25, 2016, Juan Carlos Gutiérrez filed a formal complaint with the National Prosecutor's Office. In his complaint, he states that he was subjected to several humiliating practices by military authorities at the prison where Leopoldo López is being detained. The impugned conduct includes strip searches, verbal and physical assaults, and intrusive and inappropriate touching. Juan Carlos Gutiérrez also alleges that he was deprived of several personal belongings by prison authorities and that his ability to represent his client has been impeded by

²⁴⁴ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 June 2013).

unjustified restrictions on his communications with his client. In regard to the latter, Juan Carlos Gutiérrez has asserted 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. In addition, it is alleged in the complaint that prison authorities have photographed him without his consent and have accessed information on his mobile phone.²⁴⁵

369. In light of the above, the Law Society intervened on Juan Carlos Gutiérrez's behalf in July 2016.

Zimbabwe

Arnold Tsunga

370. In July 2013, the Law Society intervened on behalf of Arnold Tsunga, a human rights lawyer and the current Director of the Africa Regional Programme of the International Commission of Jurists ("ICJ"). Before joining the ICJ, he was the Executive Director of Zimbabwe Lawyers for Human Rights, as well as the acting Executive Secretary of the Law Society of Zimbabwe and the National Chairperson of Zimbabwe Human Rights Association. In these roles, Arnold Tsunga has helped document – and bring to the attention of the international community – human rights abuses in Zimbabwe. In 2006, he was awarded the Martin Ennals Award for Human Rights Defenders and was honored by Human Rights Watch. In 2013, he was elected as a member of the Zimbabwean Parliament.
371. Zimbabwean police arrested Arnold Tsunga in July 2013. He was, at the time, running for Parliament as a member of the political party "Movement for Democratic Change Zimbabwe – Tsvangirai". He, along with his campaign team,

²⁴⁵ Law Society of Upper Canada, "Re: Harassment of lawyer Juan Carlos Gutiérrez" (4 July 2016), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Venezuela_Juan%20Carlos%20Guti%C3%A9rez.pdf>.

was detained at Dangamvura police station for allegedly holding an unauthorised rally.²⁴⁶

Beatrice Mtetwa

372. Beatrice Mtetwa is a lawyer and former President of the Law Society of Zimbabwe who has represented Zimbabwean Prime Minister Morgan Tsvangirai, the main political rival of President Robert Mugabe. On March 17, 2013, she was arrested and charged with "obstructing or defeating the course of justice" while attempting to assist her clients, four senior aides of Prime Minister Tsvangirai.
373. In addition to acting as legal counsel to Prime Minister Tsvangirai, Beatrice Mtetwa is also well-known for her human rights work. She is a board member of the Zimbabwe Lawyers for Human Rights and has spoken out against the use of heavy-handed tactics by police against opponents of President Mugabe. She has received a number of awards in recognition of her work, including human rights awards from the European Bar Human Rights Institute and the American Bar Association.²⁴⁷

Advocating for Prisoners of Conscience

374. Prisoners of conscience are confronted by systemic barriers to accessing justice. These individuals are imprisoned because of the non-violent expression of their consciously held beliefs. Other times, they are imprisoned because of their race, sexual orientation, religion or political views.

Equatorial Guinea

Fabián Nsue Nguema

375. In November 2012, the Law Society intervened on behalf of Fabián Nsue Nguema, a prominent lawyer and human rights defender who has defended a number of political opponents and prisoners of conscious. For instance, in March

²⁴⁶ Law Society of Upper Canada, "Arnold Tsunga Letters of Intervention and Public Statement" (July 2013).

²⁴⁷ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 25 April 2013) at 390 – 392.

2004, he represented individuals accused of attempting a coup. In 2008, he acted as legal counsel to Simon Mann, a British citizen who was jailed for plotting to overthrow the President. In February 2009, he acted on behalf of four members of Unión Popular (“UP”) accused of attacking the Presidential Palace. UP is a political party that monitors and exposes human rights violations; Fabián Nsue Nguema is a senior member.²⁴⁸

376. Throughout his legal career, Fabián Nsue Nguema has been harassed, arrested and detained. In April 2002, he was arrested on his way to defend a group of political prisoners. A few months later, he was arrested and tried for defaming the President and given a one-year prison sentence. In June 2005, the Bar Association in Equatorial Guinea arbitrarily suspended his law licence.²⁴⁹
377. On October 22, 2012, Fabián Nsue Nguema was notified by the Inspector General of National Security that he could visit an imprisoned client, Augustin Nzogo, a member of a non-governmental organisation called Transparency International France. At the prison, Fabián Nsue Nguema was arrested and detained. He was not formally charged and was denied access to both his lawyer and family.

Iran

Abdolfattah Soltani

378. Abdolfattah Soltani is a well-known Iranian human rights lawyer who represented journalist Akbar Ganji during Ganji's imprisonment and hunger strike, as well as the imprisoned Iranian-American academic Haleh Esfandiari.²⁵⁰ He also represented the family of Zahra Kazemi, the Iranian-Canadian photojournalist murdered in Iran.

²⁴⁸ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 22 November 2012) at 74 – 76.

²⁴⁹ *Ibid.*

²⁵⁰ Law Society of Upper Canada, “Abdolfattah Solanti Letter of Intervention and Public Statement” (February 2007).

379. On July 27, 2005, two warrants were issued for Abdolfattah Soltani's arrest. He was charged with "releasing secret and classified national intelligence information" in connection with his work defending an espionage case. He was arrested on July 30, 2005 when he took part in a sit-in protest at the Bar of Tehran.
380. After seven months in prison, three of which were spent in solitary confinement, Abdolfattah Soltani was temporarily released. On April 5, 2006, he appeared in court for the first time. In the lead up to his trial, his lawyers were barred from accessing his case file; charges of "insulting the regime", "propaganda against the regime" and "acting against national security" were also added during that period.
381. On July 16, 2006, Iran's Revolutionary Court acquitted him of espionage but convicted him of "disclosing confidential documents" and sentenced him to four years in prison. He was also convicted of "propaganda against the system" and given an additional one-year prison sentence.

Saleh Kamrani

382. In February 2007, the Law Society intervened on behalf of Saleh Kamarani, an Iranian-Azerbaijani lawyer who, as a result of his legal work, has been harassed, arrested and imprisoned by Iranian authorities.
383. Saleh Kamrani has represented a number of Iranian-Azerbaijanis who have been detained in connection with their political or cultural activities. His clients have also included several high-profile prisoners of conscience – Iranian-Arab writer Yusuf Azizi Bani Torof and Persian human rights defender Mohsen Sazegara are a couple of examples.²⁵¹

²⁵¹ Law Society of Upper Canada, "Saleh Kamrani Letter of Intervention and Public Statement" (February 2007).

Pakistan

Rashid Rehman

384. Rashid Rehman was a prominent human rights lawyer as well as a regional coordinator for the Human Rights Commission of Pakistan (“HRCP”). He was murdered in his office by two unidentified gunmen on May 7, 2014. It is believed that his murder was connected to his legal work on behalf of Junaid Hafeez, a former university professor accused of blasphemy (specifically, “defiling” the name of Muhammad) under Pakistan's broad blasphemy laws. Rashid Rehman’s death was preceded by numerous death threats, all of which were reported but went unaddressed.²⁵²
385. The Law Society intervened on behalf of Rashid Rehman in June 2014.

Syria

Anwar al-Bunni

386. The Law Society intervened several times on behalf of Anwar al-Bunni, a lawyer, founding member of the Syrian Human Rights Association and head of the Committee for the Defence of Prisoners of Conscience. He has represented many Syrian prisoners of conscience, including Riad al-Turk, Riad Seif (the owner of the independent newspaper *The Lamplighter*), Kurdish protestors, and Damascus Spring activist Aref Dalila.
387. The Law Society first intervened in his case in 2006 when Anwar al-Bunni was arrested and charged with “undermining national pride”, “incitement of racial and sectarian hatred” and “slander of public administrative and governmental bodies” after signing the *Beirut-Damascus Declaration*. This petition, drawn up by 274 Syrian and Lebanese human rights activists, asked Syria to improve its

²⁵² Law Society of Upper Canada, “Re: murder of human rights lawyer Rashid Rehman” (26 June 2014), online: <http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Pakistan_Rehman_letter_for_posting.pdf>.

diplomatic relations with Lebanon by respecting Lebanon's independence and sovereignty.²⁵³

388. The Law Society intervened again in 2008, this time over Anwar al-Bunni's treatment in detention and the lack of due process at his trial.²⁵⁴

Khalil Ma'touq

389. The Law Society intervened on behalf of Khalil Ma'touq in July 2013 and again in February 2016.
390. Khalil Ma'touq is a prominent human rights lawyer in Syria and the director of the Syrian Centre for Legal Studies and Research. He is known for providing legal assistance to victims of human rights violations, as well as defending political prisoners, prisoners of conscience and journalists.
391. On October 2, 2012, Khalil Ma'touq and his assistant Mohammed Thatha left Khalil Ma'touq's home for work. However, the two men did not arrive at the office and are believed to have been detained at a government-controlled checkpoint. Khalil Ma'touq was likely arrested as a result of his human rights work.
392. Since their disappearance, the families of Khalil Ma'touq and Mohammed Thatha have been unable to discern their whereabouts. Despite repeated requests for information, Syrian authorities continue to deny that they have the two men in custody. This ongoing denial heightens worries that the men are being subjected to torture and ill treatment in detention. In late May 2013, people close to Khalil Ma'touq received a tip that he was indeed in detention and that his health was quickly deteriorating.
393. This was not the first time that Khalil Ma'touq has been sanctioned for his human rights work. He had previously been summoned for interrogation by authorities and was also banned from travelling between 2005-2011 as a result of his work at the Syrian Centre for Legal Studies.

²⁵³ Law Society of Upper Canada, "Anwar Al-Bunni Letter of Intervention and Public Statement" (27 November 2006).

²⁵⁴ Law Society of Upper Canada, "Anwar Al-Bunni Letter of Intervention and Public Statement" (29 March 2008).

394. Khalil Ma'touq's whereabouts and the specifics of his detention are still unknown; Syrian authorities continue to deny that he was arrested.

Judges

Advocating for Judicial Independence

395. The judicial system must not be subject to political pressures or influence. Citizens looking to the courts for remedies and justice must be confident the judiciary is free and independent.

Egypt

Hisham Bastawissi and Ashraf El-Baroudi

396. Human rights violations against judges in Egypt are not uncommon. In March 2008, the Law Society intervened on behalf of Justice Hisham Bastawissi and Justice Ashraf El-Baroudi after learning that restrictions had been placed on their mobility rights/freedom of movement. The two judges had been invited to (and were expected to attend) a conference on the independence of the judiciary. Organised by the Euro-Mediterranean Human Rights Network and set in Brussels, the event also included a public seminar during which both judges were expected to speak. On the presumption that the judges were attending the event with the goal of promoting – and perhaps denouncing Egypt's lack of – judicial independence, Egyptian authorities prohibited them from travelling abroad.²⁵⁵

²⁵⁵Law Society of Upper Canada, "Hisham Bastawissi and Ashraf El-Baroudi Letter of Intervention and Public Statement" (March 2008).

Nauru

Magistrate Peter Law and Chief Justice Geoffrey Eames

397. On January 19, 2014, Magistrate Peter Law was deported. When the Chief Justice, Geoffrey Eames, tried to intervene by issuing an injunction to stop the deportation, he had his visa cancelled and was barred from entering Nauru.
398. Both the deportation and the visa revocation are believed to be linked to Peter Law's adjudication of two asylum cases. Prior to the aforementioned events, Nauru's justice minister had declared two Nauru residents prohibited immigrants and gave them a week to leave the country. These two individuals appealed to the courts and Peter Law had granted an interim injunction against their deportation. The cases were due to come before the courts on January 20, 2014, one day after Peter Law was deported and Geoffrey Eames was barred entry into Nauru.²⁵⁶
399. Peter Law and Geoffrey Eames believe that the actions taken against them are politically motivated, designed to have the asylum decisions overturned by a new magistrate and amounted to an abuse of the rule of law. Moreover, the government was arguably attempting to influence the judiciary by making an example of Peter Law and Geoffrey Eames. Following the above events, Geoffrey Eames stated, "I consider that it is my duty to uphold the rule of law and the principle of judicial independence."²⁵⁷

Sri Lanka

Madam Justice Shirani Bandaranayake

400. In January 2013, the Law Society intervened on behalf of Madam Justice Shirani Bandaranayake, the former (and first female) Chief Justice of Sri Lanka.

²⁵⁶Law Society of Upper Canada, "Nauru Letter of Intervention and Public Statement" (February 2014).

²⁵⁷Bridie Jabour, "Nauru deports its only magistrate and bars chief justice from entering country", *The Guardian* (19 January 2014), online: <<https://www.theguardian.com/world/2014/jan/20/nauru-deports-its-only-magistrate-and-bars-chief-justice-from-entering-country>>.

401. In October 2012, the Sri Lankan government submitted a parliamentary motion to impeach the Chief Justice. The government declined to give detailed reasons for why it was moving against Justice Bandaranayake, disclosing only that the Chief Justice's behaviour and conduct over the previous year had "affected the sovereignty of the people". In December 2012, a Parliamentary Select Committee found Chief Justice Bandaranayake guilty of professional misconduct, unexplained wealth and misuse of power.
402. Critics believe the actions taken against the Chief Justice is evidence of the ruling party's attempt to stifle the courts' independence. In fact, it has been suggested that her impeachment is the culminating point of a series of attacks against the judiciary for asserting its independence.²⁵⁸

Promoting the Rule of Law

403. The rule of law is fundamental to creating an environment for peace, liberty and freedom. It is the foundation upon which the judicial system is built.

Colombia

Judge Diego Fernando Escobar Munera

404. The murder of Justice Diego Fernando Escobar Munera (and the seemingly systematic targeting of judges) prompted an intervention from the Law Society. Justice Munera spent 19 years in the judiciary and was known for his transparency, honesty and dedication to upholding the rule of law.²⁵⁹

²⁵⁸ Law Society of Upper Canada, *Report to Convocation* (January 24, 2013) by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 24 January 2013) at 324 – 26.

²⁵⁹ Law Society of Upper Canada, "Justice Munera Letters of Intervention and Public Statement" (3 June 2010).

Sudan

Abdullah Abdelkader

405. In December 2015, the Law Society intervened on behalf of slain judge and human rights defender Abdullah Abdelkader.
406. In addition to being a judge and a human rights defender, Abdullah Abdelkader was a member of the Sudan Human Rights Monitor. He provided legal aid to victims of human rights violations, particularly in areas affected by armed conflict, including South Kordofan, Blue Nile and Darfur. He was also very active in advocating for and supporting fellow human rights defenders in these regions.
407. On August 24, 2015, while visiting his hometown of El Abbasiya Tagali in South Kordofan State, Abdullah Abdelkader was shot and killed by members of an armed group. There is concern that Abdullah Abdelkader may have been killed as a result of his legitimate human rights work.²⁶⁰

Venezuela

Justice Maria Lourdes Afiuni

408. The Law Society intervened on behalf of Justice Maria Lourdes Afiuni in June 2010, January 2012 and July 2013.
409. Justice Afiuni's case first gained international attention when, after ordering the conditional release pending trial of Eligio Cedeño, she was arrested by Venezuelan intelligence officers. Justice Afiuni released Cedeño because he had been in pre-trial detention for nearly three years, a violation of the two-year limit prescribed by Venezuelan law. The United Nations Working Group on Arbitrary

²⁶⁰ Law Society of England and Wales, "Sudan: Mr. Abdullah Abdelkader - killing of HRD", online: <<http://communities.lawsociety.org.uk/human-rights/interventions/2015/sudan-mr-abdullah-abdelkader-killing-of-hrd/5051005.article>>.

Detention's declaration that Cedeño's detention was arbitrary supports the correctness of her decision.²⁶¹

410. Justice Afiuni was charged with corruption, being an accessory to escape, criminal conspiracy and abuse of power. President Hugo Chávez demanded that she be sentenced to a 30-year prison term, even if new legislation was required to achieve that result. He also suggested that he had instructed the Attorney General and the President of the Supreme Court to punish Justice Afiuni as severely as possible in order to prevent similar actions by other judges.²⁶²
411. Justice Afiuni was imprisoned, but granted a conditional release on June 14, 2013.

Challenging Corruption

412. When judges challenge corruption, they are working to ensure the efficacy and integrity of the justice system. There can be no access to justice if corruption is permitted to prevail.

Brazil

Threats against Brazilian Judges

413. In November 2011, the Law Society intervened on behalf of Brazilian judges who faced threats of violence, disappearance and assassination as a result of their work to eliminate corruption in Brazil.
414. One such judge was Justice Patricia Aicoli. She was murdered by masked assailants, shot 21 times in front of her own home. It is believed that her murder was reprisal for her adjudication of (and convictions) in cases involving members

²⁶¹ Law Society of Upper Canada, "Justice Afiuni Letters of Intervention and Public Statements" (June 2010, January 2012 and July 2013).

²⁶² *Ibid.*

of the militia and the police force. Justice Aicoli was known for her tough stance against police corruption.²⁶³

Guatemala

Iris Yassmin Barrios Aguilar

415. Judge Iris Yassmin Barrios Aguilar presides over one of Guatemala's High Risk Tribunals and has spent her career confronting high-profile corruption, organized crime and drug trafficking, and the human rights abuses that occurred during Guatemala's 36-year-long civil war. In 2013, she presided over the genocide trial of former dictator Efraín Ríos Montt; he was convicted in May 2013. The trial was precedent-setting as it was the first time that a former head of state was tried for genocide in his home country by the national judiciary. Although this conviction was controversially overturned on procedural grounds, Judge Aguilar has been widely praised by many in Guatemala and the international community for her integrity in providing an important legal precedent for genocide cases worldwide, demonstrating the importance of an independent judiciary, and giving a voice to thousands of Ixil-Mayan victims in her courtroom. In 2014, she received the United States Department of State's International Woman of Courage Award.²⁶⁴
416. As a result of her work, Judge Aguilar has faced threats and intimidation, attacks on her and her home, an intensive campaign to discredit her in the media, and a politically-motivated year-long suspension of her judicial authority.²⁶⁵ Consequently, the Law Society intervened on her behalf in June 2014.

²⁶³ Law Society of Upper Canada, "Judge Patricia Aicoli Letter of Intervention and Public Statement" (9 November 2011).

²⁶⁴ Cyrus R. Vance Center for International Justice, online:

<http://www.vancecenter.org/vancecenter/images/stories/pdfs/judgeirisyassminbarriosaguilar_dr.claudiapazabio.pdf>.

²⁶⁵ *Ibid.*

Spain

Justice Baltasar Garzon

417. Justice Baltasar Garzon was convicted of abuse of power on February 9, 2012. The conviction stemmed from an order he had made in a high-profile corruption case. Specifically, he ordered that the monitoring of conversations between detainees and their lawyers should be an exception to the rule protecting attorney-client privilege.
418. This was not the first time that Justice Garzon was subjected to criminal prosecution for discharging his duties as a judge. He had previously been charged with (and acquitted of) abuse of power for ordering an investigation into Franco-era human rights abuses.²⁶⁶
419. The Law Society intervened on behalf of Justice Baltasar Garzon in April 2012.

²⁶⁶Law Society of Upper Canada, “Justice Baltasar Garzón Letter of Intervention and Public Statement” (30 April 2012).

DAY OF THE ENDANGERED LAWYER

420. The Day of the Endangered Lawyer, marked annually on January 24th, is a time to reflect on the plight of lawyers around the world who risk harassment, persecution, injury and death as they work to protect the rights of those who need it most. Each year, focus is given to a country where lawyers are endangered due to their advocacy work.

2015: The Philippines

421. In January 2015, the Law Society issued a public statement addressing the ongoing harassment and assassinations of lawyers and judges in the Philippines. According to Lawyers for Lawyers, from 2001 to 2015, “at least 41 lawyers and 18 judges have been murdered in the Philippines. The suspects of these crimes seem to be in the army and the police, but the government refuses to take any action. Since 2013, the number of murders on lawyers and judges have been increasing.”²⁶⁷

2016: Honduras

422. In January 2016, the Law Society issued a public statement addressing the plight of lawyers and judges in Honduras. Reports indicate that between 2010 and 2015, 86 legal professionals were murdered. The vast majority of these murders were not prosecuted.

423. In addition, the Law Society, together with Canadian Lawyers for International Human Rights (“CLAHR”), held a special event on January 26, 2016 to honour the lawyers who risk harassment, persecution and death as they work to protect the rights of those who need it most, and to call for the safe and unobstructed practice of law around the world. The keynote speaker was Georgette Gagnon, international human rights lawyer and former Director of Human Rights for the United Nations Assistance Mission in Afghanistan (“UNAMA”).

²⁶⁷ Lawyers for Lawyers, “Philippines: Day of the Endangered Lawyers” (16 January 2015), online: <<http://www.advocatenvooradvocaten.nl/10031/philippines-day-of-the-endangered-lawyer/>>

2017: China & Waleed Abu al-Khair

424. In January 2017, the Law Society acknowledged the untiring efforts and courage of human rights lawyers in China. In the summer of 2015, more than 300 lawyers and human rights defenders in China were questioned, detained or charged as a result of their human rights work. As of October 17, 2016, six human rights lawyers remain in detention pending trial. Undeterred by the constant threat of harassment and intimidation, lawyers in China continue to advocate for human rights.
425. The Law Society also acknowledged the dedicated efforts and courage of Waleed Abu al-Khair. Waleed Abu al-Khair is a prominent human rights lawyer and activist in Saudi Arabia and one of the recipients of the Law Society's Human Rights Award for 2016. The founder of the Monitor of Human Rights in Saudi Arabia, he has worked tirelessly to defend human rights and the rule of law for all in the face of extreme adversity and at the cost of his own freedom.

Responses to the Law Society's Interventions

426. From time to time, the Law Society receives responses to its intervention efforts from human rights organisations, governments and lawyers/judges who are the subjects of the interventions. Numerous lawyers from foreign countries have noted that public interventions from organisations such as the Law Society are helpful in informing the community that human rights violations of lawyers and judges do not go unnoticed.