



The Law Society of
Upper Canada

Barreau
du Haut-Canada

May 8, 2015

Her Excellency Cristina Fernández de Kirchner
Presidencia de la Nación
Balcarce 50, piso 1.
(1064) Ciudad Autónoma de Buenos Aires
Argentina

Office of the Treasurer

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President Fernández:

Re: The death of prosecutor Alberto Nisman

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

Reports indicate that on January 18, 2015, Alberto Nisman, Argentine's state prosecutor, was found dead in his apartment. The cause of death was identified as a gunshot wound to the head. Four days prior to his death, he had accused the President 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.

The Law Society would like to remind Your Excellency of Principles 16 and 17 of the United Nations *Basic Principles on the Role of Lawyers*. Principle 16 states:

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

Principle 17 states:

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

Concerns have been raised that Alberto Nisman was killed as a result of fulfilling his legitimate legal duties. The Law Society urges the government of Argentina to,

- a. ensure that the investigation into the death of Alberto Nisman is fair, impartial and independent;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations;
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

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

cc:

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Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

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

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers, via email

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

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

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

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