



Human Rights
Institute

MODULE 2

TOOLKIT FOR LAWYERS AT RISK

Risk assessment and risk management in
the exercise of lawyers' functions

In partnership with



Lawyers' Rights Watch Canada

Partners: Alliance for Lawyers at Risk, Bar Human Rights Committee of England and Wales, Human Rights House Foundation, Lawyers for Lawyers, Lawyers Rights Watch Canada and Peace Brigades International

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About the International Bar Association's Human Rights Institute (IBAHRI)

The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

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About the Bar Human Rights Committee of England and Wales

The Bar Human Rights Committee (BHRC) is the international human rights arm of the Bar of England and Wales. It is an independent body, distinct from the Bar Council of England and Wales, dedicated to promoting principles of justice and respect for fundamental human rights through the rule of law. It has a membership comprised of barristers practising at the Bar of England and Wales, legal academics and law students. BHRC's Executive Committee members and general members offer their services pro bono, alongside their independent legal practices, teaching commitments and/or legal studies. BHRC also employs a full-time project coordinator.

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About Human Rights House Foundation

Human Rights House Foundation (HRRF) protects, empowers and supports human rights defenders and their organisations, and unites them in an international network of Human Rights Houses.

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About Lawyers for Lawyers

Lawyers for Lawyers (L4L) is an independent, non-political and not-for-profit lawyers' organisation established in 1986. L4L's mission is to promote the independent functioning of lawyers and the legal profession across the world in accordance with internationally recognised norms and standards, including the Basic Principles on the Role of Lawyers. Our work to support lawyers who are at risk as a result of discharging their professional duties, seeks to protect them from threats, risks and reprisals, strengthens their international recognition and protection in laws, policies and practices, and empowers them to fulfil their role as essential agents of the administration of justice. L4L was granted special consultative status with the UN Economic and Social Council in July 2013.

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About Lawyers' Rights Watch Canada

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders working to promote international human rights law, advocacy rights, the integrity of legal systems and the rule of law through advocacy, legal research and education. LRWC is a volunteer-run non-government organisation in Special Consultative Status with the Economic and Social Council of the United Nations.

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About Peace Brigades International

Peace Brigades International defends the defenders who speak out for the rights of others. As a result, each day they risk their lives. On the ground, we provide specialised support, training and international volunteer observers, in some of the most dangerous countries in the world, to keep defenders alive and help their activism thrive. At a national and international level, we successfully mobilise political and legal support for their protection and in order to help create policy environments that allow them to carry out their work.

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LIST OF ACRONYMS

AU	African Union
CoE	Council of Europe
ECHR	European Court of Human Rights
EU	European Union
HRC	Human Rights Council
HRDs	human rights defenders
IBA	International Bar Association
LGBTQI	lesbian, gay, bisexual, transgender, queer and intersex
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
PBI	Peace Brigades International
SWOT	Strengths, Weaknesses, Opportunities and Threats analysis
UN	United Nations

INTRODUCTION

BACKGROUND

Lawyers play a key role in ensuring access to legal assistance, the right to a fair trial, the presumption of innocence, equality of all before the law and the court, and respect for human dignity and human rights. International and regional norms and standards¹ guarantee the independence of the legal profession, and the principle of non-interference by state and non-state actors within their professional activities. The same guarantees are often provided for in states' domestic law.

For lawyers to fully perform their professional activities, states must ensure, at the legislative level and in practice, their independence and equality in judicial proceedings, as well as lawyers' safety and security.

The absence of proper protection mechanisms for lawyers' safety cannot but negatively affect the quality of lawyers' activities.

It is necessary for lawyers to be aware of the risks they may face and develop a security plan to address those risks.

OVERVIEW OF THE TOOLKIT

GENERAL OBJECTIVE

To strengthen the protection of lawyers and those exercising lawyers' functions who face risks as a result of carrying out their professional functions.

SPECIFIC OBJECTIVES

- to provide guidance about the international and regional legal regimes that protect those exercising lawyers' functions;
- to provide guidance about prevention, including risk assessment and risk management in legal practice;
- to provide guidance on accessing response and protection mechanisms at the regional and international levels based on the experience of the main international lawyers' organisations; and
- to support joint actions among organisations that support lawyers.

SCOPE

The Toolkit applies to those who perform the functions of a lawyer, in a professional manner, notwithstanding their title or registration to a specific association. As per the Basic Principles on the Role of Lawyers, the functions of a lawyer mostly consist in:²

- advising clients as to their legal rights and obligations;
- taking legal action to protect their interests; and
- assisting clients before courts, tribunals or administrative authorities.

TOOLKIT COMPONENTS

The Toolkit is composed of:

- (1) training modules addressed to lawyers and organisations supporting lawyers' work; and
- (2) practical tools aimed at assisting lawyers at risk.

¹ See Module 1, pp 18 and 27–28.

² Basic Principles on the Role of Lawyers, Principle 13.

OVERVIEW OF MODULE 2

GENERAL OBJECTIVE

To enhance lawyers' safety and security in the exercise of their functions.

SPECIFIC OBJECTIVES

- to raise lawyers' awareness about risks attached to the practice of law and the need to develop a security plan; and
- to provide lawyers with a step-by-step approach to risk assessment and risk management in preparation for a security plan.

LIMITATIONS

This document provides an introduction to existing methods that lawyers can use to anticipate and respond to the security threats they are most likely to face.

The focus of this Module is risk prevention, in case of risks resulting from intentional acts. The mitigation of harm/damage that any threat might cause depends on the stage at which the threat is discovered. Yet this depends on the stage at which the lawyer carries out the analysis. Early detection of a threat is particularly important. The sooner a lawyer begins to assess the risks, the greater the impact of risk prevention.

GET STARTED

QUESTIONS

- Have you, in your professional practice, experienced unlawful interference, harassment or other attacks? Do you know any other lawyer who has been in that situation? Are there systematic practices or emerging trends in your country that restrict the nature or scope of lawyers' activities?
- What have you, your legal colleagues or lawyers' organisation done in reaction to these interferences or threats?
- Looking back and forward, what do you think that you or the legal profession could have done better or differently?
- What should you do in the future to prevent such an occurrence and be prepared to respond to a threat or risk?

LAWYERING: AN ACTIVITY AT RISK

Practising law may imply facing certain risks. As 'agents of the administration of justice',³ serving 'the interests of their clients',⁴ lawyers serve the protection of multiple interests that may at times conflate. This may entail risks and tensions that may backlash on lawyers and put them at risk. The risks of greatest concern are those that threaten the life, liberty or ability to provide legal services free from reprisals from state or non-state actors. In prevention of those, lawyers benefit from specific protection, rights and are bound by specific duties.

The frequency and type of risk varies from state to state. Factors that contribute to heightened risk include: authoritarian governance systems; lack of legislative guarantees of independence of the legal profession and lack of independence of bar associations; impunity for perpetrators of threats and attacks; lack of timely access to effective protection; inadequate measures to protect rights and remedy violations; and lack of access to an independent judiciary to determine rights and impose remedies for violations.

The risks and threats that lawyers might face also depend on the nature of the cases that lawyers work on, as well as lawyers' specific actions within the case. For example, as practice shows, lawyers are more likely to face risks and threats when dealing with cases involving allegations of human rights violations.

IDENTIFICATION OF LAWYERS WITH THEIR CLIENTS

The identification of a lawyer with the cause or charge(s) against a client is one of the most common ways of exerting pressure on him or her to cease representation. Such identification can mobilise public opinion against the lawyer, and sometimes other members of the legal profession, by suggesting that the lawyer defending a person accused of blasphemy or murder, for example, supports such actions. The conflation of the lawyer with a client's cause(s) or charge(s), coupled with public vilification, can put the life and liberty of the lawyer at risk from state and non-state actors. The creation of such public opinion and public condemnation creates conditions for pressure, not only by state bodies but also by the population at large.

A lawyer's identification with clients is more likely to arise in relation to violent crimes, such as murder, terrorism and corruption, or crimes likely to excite moral or religious outrage, such as blasphemy and sexual abuse of children. Furthermore, depending on the country and its political situation, lawyers who represent human rights defenders (HRDs) and activists, political opposition, journalists, lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons and other groups also face heightened risk as a result of being identified with their clients.

³ *Ibid*, principle 12.

⁴ *Ibid*, principles 13–17.

The identification of a lawyer with a client and/or the client's cause may damage the business reputation and perhaps professional career of a lawyer. For example, in *Niemietz v Germany*, the European Court of Human Rights (ECHR) found not only that a search at the lawyer's premises, which was disproportionate in the circumstances, constituted an encroachment on professional secrecy with repercussions on the proper administration of justice and the right to a fair trial, but also that 'the attendant publicity must have been capable of affecting adversely the applicant's professional reputation, in the eyes both of his existing clients and of the public at large'.⁵

Public vilification, particularly by state authorities, may negatively expose a lawyer to risk from non-state actors engaging in vigilantism, and may encourage the police and other state actors to turn a blind eye.

In addition, such behaviour can create a chilling effect and reduce the number of lawyers who are willing to provide legal representation in sensitive cases or provide full and vigorous representation. This may result in leaving certain cases with no legal assistance.

SENSITIVE LITIGATION

Human rights-based litigation is by nature a risky activity. It is about advocating 'against governments' and challenging the status quo, and the law and policies in place or their application.

Lawyers are at risk when they discharge their duties in the face of countervailing political, social, economic or cultural pressure, and in particular:

- When human rights recognition or justiciability is controversial in the country. This is the case, for instance, for lawyers defending LGBTQI rights or women's rights in some countries.
- When lawyers take up cases of particularly sensitive crimes, for instance, narco-trafficking, terrorism, torture, crimes against humanity or war crimes. Social, media and governmental pressure may ultimately undermine fair trial guarantees for the accused or litigant.
- When litigation potentially interferes with economic interests. Lawyers may be at risk when powerful economic actors seek to suppress the exposure of facts or recognition of claimants' rights. This is particularly the case in respect of litigation involving rights to land, water or environmental sustainability and challenges to resource extraction projects, where powerful actors seek to suppress the land rights or environmental concerns of indigenous peoples, minorities or marginalised groups.

⁵ ECHR, *Niemietz v Germany* (2012), Application no 13710/88), para 37.

LAWYERS' PROTECTION: WHOSE OBLIGATION AND WHAT PROTECTION?

Tasks performed by lawyers in the course of their professional activities require their absolute independence and the absence of any influence on them. An independent legal profession helps to increase public confidence in the fairness of the justice system and the impartiality of judges.

Integral to the performance of lawyers' functions are proper protections provided to each lawyer. This protection is primarily the responsibility of the state. In addition, bar associations, established for the protection, independence and integrity of the legal profession, have a specific role to play, as highlighted in international standards. To date, the Basic Principles on the Role of Lawyers (Basic Principles) still constitute 'the most comprehensive international normative framework aimed at safeguarding the right of access to legal assistance, the independence of the legal profession and the liberty and security of lawyers'.⁶

A number of regional instruments on lawyers' protection and UN and regional instruments protecting HRDs complement the international legal framework protecting lawyers.⁷

In addition, lawyers must respect and observe professional and ethical standards, such as to maintain the independence, honour and dignity of their profession, and always act diligently. The observance of these standards of conduct⁸ contribute to their protection and the fulfilment of their mission in an independent and effective manner.

STATES' OBLIGATIONS

The requirement to create conditions under which lawyers are able to perform their professional duties is part of the state's obligations to ensure access to legal assistance and protect human rights. As lawyers fulfil states' obligations in providing legal assistance, states, in turn, are obliged to guarantee and ensure lawyers' security. States should create conditions that allow lawyers to freely, independently and professionally perform their professional duties, while ensuring equality between all parties to the legal proceedings.

All the lawyers' rights and guarantees addressed in Module 1 contribute to lawyers' protection, insofar as they provide for (see Module 1, Table 1, p 27):

- the organisation of the legal profession as independent and self-governing to ensure an enabling working environment;
- guarantees for lawyers' functioning; and
- guarantees for lawyers' individual freedoms.

At the core of the state duty to protect lawyers are guarantees that enable lawyers to provide legal services without fear of reprisal or interference.

6 Human Rights Council (HRC), 'Report of the Special Rapporteur on the independence of judges and lawyers' (2017) UN Doc A/HRC/35/31, para 17.

7 UN Declaration on Human Rights Defenders (1998), UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2003) CoE's Recommendation 21 of the Committee of Ministers to Member States on the Freedom of Exercise of the Profession of Lawyer (2000), African Commission on Human and Peoples' Rights Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003), Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities (2008), EU Guidelines on Human Rights Defenders (2008), OSCE Guidelines on the Protection of Human Rights Defenders (2014), Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa (2017).

8 See, eg, IBA, International Principles on Conduct for the Legal Profession (2011).

Table 1. Guarantees for lawyers' protection: right to protection, privileges and immunities

Right to protection	<ul style="list-style-type: none"> • Lawyers are able to perform all their professional duties in an environment free from threats, obstacles, intimidation or undue interference (Basic Principles, principle 16; Declaration on Human Rights Defenders, Art 3(c); Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, principle I (b) e, f, i; CoE Recommendation 21, principle I, 1, 4, 7 and 8 and principle V) • 'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities' (Basic Principles, principle 17)
Principle of non-identification	<ul style="list-style-type: none"> • Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (Basic Principles, principle 18; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, principle I.4)
Freedom of movement/access to a client	<ul style="list-style-type: none"> • Lawyers shall be able travel and freely consult with their clients inside and outside the country (Basic Principles, principle 16; Declaration on Human Rights Defenders, Art 19; CoE Recommendation 21, principle I.5; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, principle I (b) 2)
Lawyers-client privilege	<ul style="list-style-type: none"> • Right to confidentiality in lawyer–client communications (Basic Principles, principle 22; CoE Recommendation 21, principle I.6; African Guidelines on the Right to a Fair Trial, principle I (c))
Immunities	<ul style="list-style-type: none"> • Lawyers enjoy civil and criminal immunity in relation to relevant statements made in good faith in the form of written or oral pleading or in their professional appearances before a court, tribunal or other legal or administrative body (Basic Principles, principles 16 and 20; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, principle I (b) 3 and (e)) • Lawyers shall not suffer, or be threatened with, prosecution and judicial, administrative, economic or other sanctions for any actions committed in accordance with recognised professional duties, norms and ethics, as well as threats of such prosecution and sanctions (Basic Principles, principle 16)

BAR ASSOCIATIONS' RESPONSIBILITIES

Besides states, bar associations,⁹ as the main institution uniting lawyers and promoting their interests, have a key role to play in ensuring the rights, interests and security of lawyers, and protecting them from harassment, restrictions and interference in their activities. The Basic Principles on the Role of Lawyers and the International Bar Association Standards for the Independence of the Legal Profession (IBA Standards) highlight the 'vital role' of bar associations to 'protect their members from improper restrictions and infringements'.¹⁰

States are obliged to provide sufficient legal and practical support to bar associations while respecting their independence, so that lawyers' associations can fully and efficiently perform their duties.

Lawyers' associations should in turn establish their own internal procedures to ensure the rights, guarantees, welfare and security of lawyers.

⁹ A bar association is defined here as an 'officially recognised professional organisation consisting of members of the legal profession that is dedicated to serving its members in a representative capacity to maintain the practice of law as a profession, and, in many countries possessing regulatory authority over the bar in its jurisdiction. Membership in the bar may be compulsory or voluntary' (IBA, International Principles on Conduct for the Legal Profession (2011)).

¹⁰ See n 2 above, preamble; see the IBA Standards, preamble.

Table 2. Bar associations' roles and responsibilities in lawyers' protection

'Professional associations of lawyers have a vital role to play in protecting their members from persecution and improper restrictions and infringements' (Basic Principles, Preamble).

Bar associations should	<p>When a lawyer is arrested or detained, the bar association should be informed immediately of the reason and legal basis for the arrest or detention and have access to the lawyer arrested or detained (IBA Standards, para 20)</p> <p>In case of:</p> <ul style="list-style-type: none"> a. arrest or detention of a lawyer; b. any decision to take proceedings calling into question the integrity of a lawyer; c. any search of lawyers themselves or their property; d. any seizure of documents or materials in a lawyer's possession; and e. publication of press reports that require action on behalf of lawyers <p>bar associations or other professional lawyers' associations should take any necessary action, including defending lawyers' interests with the appropriate body (CoE Recommendation 21, principle V.5)</p>
States should	<p>States should respect the role of bar associations or other professional lawyers' associations in protecting their members and in defending their independence against any improper restrictions or infringements (CoE Recommendation 21, Principle V.3)</p>

TERMINOLOGY: 'RISK', 'THREATS', 'VULNERABILITY' AND 'CAPACITIES'

The concepts of 'risks', 'threats', 'vulnerabilities' and 'capacities' are defined and appraised below, as recommended by Front Line Defenders.¹¹

The level of risk facing a lawyer increases in accordance with threats that have been received and the lawyer's vulnerability to those threats, and can be reduced if defenders have enough capacities (the more capacities, the lower the risk):

$$\text{RISK} = \frac{\text{THREATS} \times \text{VULNERABILITY}}{\text{CAPACITIES}}$$

- **Risk** means 'a probability that something that would cause harm might happen'.
- **Threat** is a signal that indicates an intention to inflict harm, punish or hurt (recent or immediate).¹² Threats represent the possibility that someone will harm another person's physical or moral integrity, or property through purposeful and often violent action.

It is important to note the difference between risks and threats. A risk is the harm that might occur to the lawyer(s). A threat is what has already happened, and provides the basis upon which upcoming risks can be predicted. Different threats work as signals to indicate the probability of the risk happening. In some cases, the same incident might be both a risk and a threat. For example, the search of a lawyer's office and the seizure of some office

¹¹ Front Line Defenders, *Protection International, New Protection Manual for Human Rights Defenders* (3rd edn, 2009), www.protectioninternational.org/wp-content/uploads/2012/04/Protection-Manual-3rd-Edition.pdf accessed 17 January 2020.

¹² For more information, see www.frontlinedefenders.org/sites/default/files/workbook_eng_master.pdf, 10, accessed 17 January 2020.

equipment might be seen as a risk in itself. Yet, in some cases, the search of the office and seizure of the documents or equipment may be a signal (therefore, a threat) of some greater risk, that is, another consequence, potentially more serious, such as the initiation of a criminal case or the closure of the lawyer's office.

- **Vulnerability** means any factor that makes it more likely for harm to materialise or result in greater damage. This varies for each lawyer or legal profession in a given country, and changes with time. Vulnerability is always relative because all people and groups are vulnerable to some extent. However, everyone has their own level and type of vulnerability, depending on the circumstances.
- **Capacities** are the strengths and resources a lawyer or group of lawyers can access to achieve a reasonable degree of security. Examples of capacities could be a good network of lawyers, training in security or legal issues, and access to protective and remedial resources such as response mechanisms established within the local bar association, a legal representative, and access to a phone and safe transportation.

RESPONSE STRATEGY: MAIN COMPONENTS

A security plan is aimed at reducing your risk. It will therefore have at least three objectives, based on your risk assessment:

1. reducing the level of threat you are experiencing;
2. reducing your vulnerabilities; and
3. enhancing your capacities, including accessing effective remedies domestically and/or internationally.

We therefore recommend including as part of the risk management aspect of the security plan:

- preventive plans or protocols to ensure routine work is done within security standards; for example, how to prepare for a public statement or visit a remote area; and
- emergency plans or response strategies for dealing with specific problems, for example, detention or disappearance.

In order to draft a security plan, you should go through the following steps:

Step 1. Identify and understand the threats

Step 2. Develop a response strategy to specific threats

Step 3. Build your capacities to respond to the threats

Step 4. Respond speedily

CHAPTER 1: RISK ASSESSMENT

LEARNING OBJECTIVES

At the end of this chapter, you will be able to:

- establish a threat monitoring system;
- assess and understand threats;
- assess vulnerabilities in relation to your legal practice; and
- assess the risks you may face in light of the threats and vulnerabilities identified.

STEP 1. ASSESSING THREATS

Identifying threats requires constant systematic work both individually and in collaboration with others. Lawyers might be exposed to different threats.

A lawyer should learn to constantly monitor 'background' threats, in particular those impairing the independence of the legal profession as a whole, such as new obligations imposed on lawyers by certain amendments to the law.

It is important to record, document and report unusual trends or developments that may lead to a threat. Therefore, to assess if an occurrence is a threat or not, it is advisable to monitor the situation closely. If the observation shows an escalation (ie, the threat grows in intensity and content), then it is necessary to urgently analyse the threat, predict its possible consequences and decide on what action is necessary.

The choice of method for threat analysis depends on awareness, experience and time.

IDENTIFYING THREATS

The threat may impair the:

- **lawyer's working environment** and the organisation of the legal profession as self-governing and independent;
- **lawyer's functioning** (ie, lawyer's immunities, lawyer–client confidentiality and lawyer's access to information or clients); and
- **lawyer's individual freedoms** (eg, physical security, freedom of expression, association and assembly, privacy, property and movement) and freedoms of his/her relatives.

Table 3. Typology of threats

	Examples
Legal	Threats to the independence of the legal profession; pressure through the creation of commissions with the majority of the members representing the Executive; and tightening controls on lawyers (eg, through the rules of internal control requirements by anti-money laundering, combating the financing of terrorism and other independent experts on legal issues)
Judicial	Civil/criminal/administrative prosecution (eg, for contempt of court, being late to a court hearing, or handing over prohibited items and substances to a client); involvement of a lawyer as a witness for the purpose of distracting him/her from specific cases; and creation of barriers to the lawyer's professional rights (access to the case file or incorporation of the lawyer's arguments into the case file)

Disciplinary	Disbarment; private court order; licence suspension/withdrawal; coercion to withdraw from/expulsion from a bar association; inappropriate punishment for violating lawyers' ethical codes; and removal from conducting the case
Financial	Tax measures
Administrative	Visa refusal; obstruction to lawyers; access to court or to clients; inspection of bags; imposition of time limits on study of case materials; refusal to register a statement; breach of lawyer–client confidentiality; pressure on a client not to request a lawyer; shadowing; surveillance; and interception and interrogation
Material/digital	Arson; theft; falsification of materials; search of the premises and housing of a lawyer; cyberattacks; and inspection and search of a lawyer at the entrance to the court building
Physical	Arrest; detention; physical isolation; forced hospitalisation; torture; abduction; and murder
Psychological/reputational	Harassment; media pressure; misrepresentation of information; discrediting of lawyer; coercion not to participate in lawyers' meetings or conferences; and pressure of official bodies on lawyers through their family members or associates, as well as through clients themselves

A range of tools can help to identify threats that may arise.

Background threats to the independence of the legal profession may come from an analysis of:

- trends and specific features of the political situation in the country. For example, authoritarian measures are likely to undermine the protection of human rights, intervene in the work of self-governing bar associations, and impose laws requiring lawyers to report in detail to authorities about financial transactions and client finances; and
- data analysis and statistics based on monitoring; to develop an effective strategy for lawyers' security, the following factors matter: (1) the number of threatened law professionals in comparison with other civil society groups (human rights activists, civil activists, journalists, public figures, trade union activists, religious associations and political parties); (2) the types of threats that distinguish the security situation of lawyers from other civil society groups; and (3) the frequency and duration of threats, and especially the sources of threats against lawyers.

In the case of threats directed at individuals, documenting such threats is crucial in the risk assessment and management process as a first step to understand the security situation and take appropriate actions.

Individual threats may be identified and understood through:

- an assessment of the situation concerning persons the lawyers has been representing and/or working with, and any cause the lawyer has represented or promoted. Documenting the circumstances surrounding the threats is important for understanding the facts and analysing the threat; and
- a thorough review of the circumstances preceding the threats.

In the identification process:

- lawyers' experiences from other countries may be useful for understanding the range of opportunities for responding to threats, comparing them and choosing a strategy; and
- awareness of one's own priorities and understanding of one's own strategy is key. It is necessary to proceed from personal circumstances and individual goals and to decide which method of responding to a threat is appropriate rather than to try to act according to a template.

The sooner a lawyer initiates a threat analysis, the more successful and efficient the process will be. As a result, the lawyer will be able to see which measures and resources work to prevent threats, or reduce the level of impact, and which may not work at all.

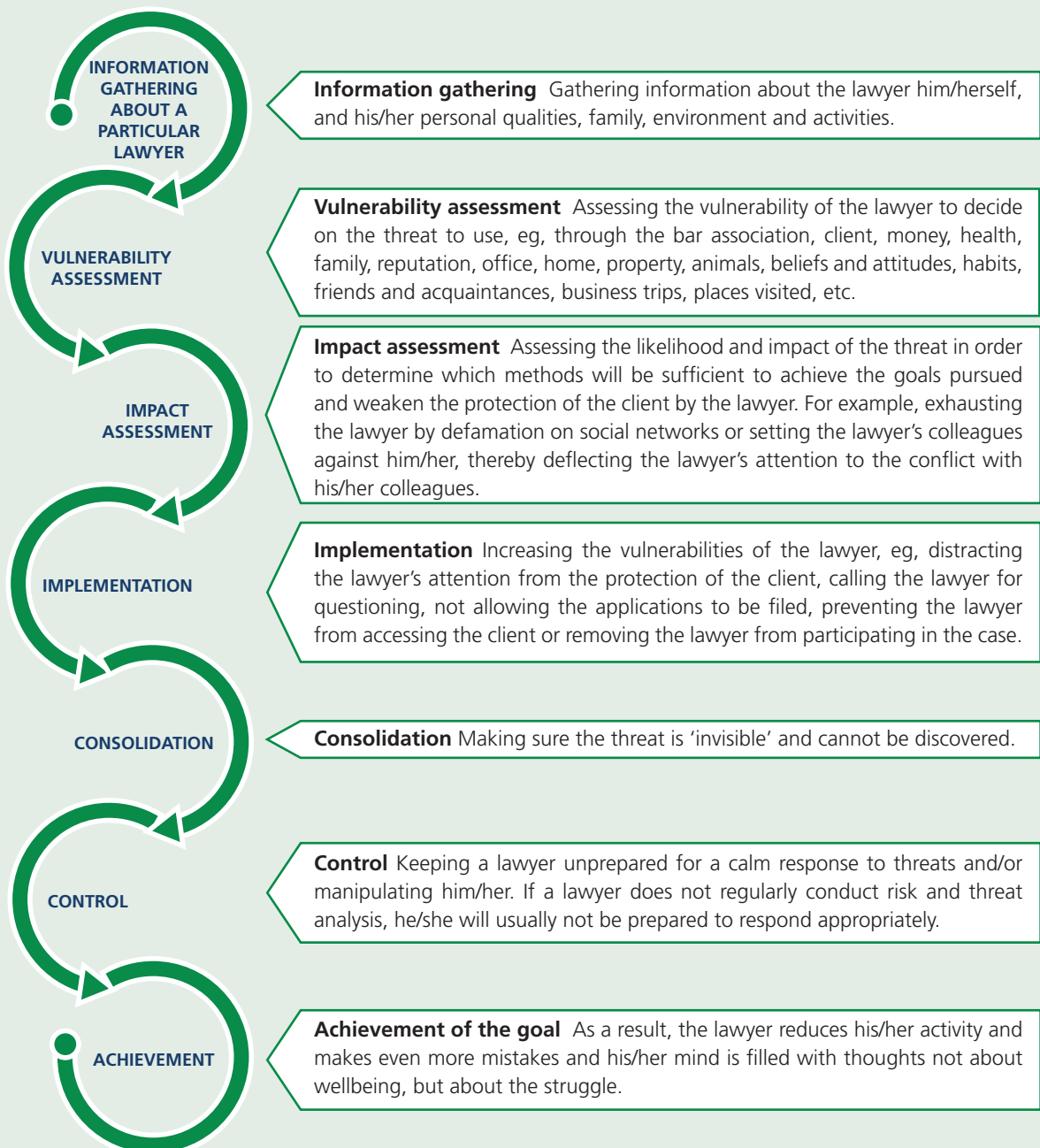
As soon as a threat emerges a lawyer should undertake quick and accurate steps to minimise the possible harm and allow evidence to be collected on suspected perpetrators. On the one hand, it would be useful to have clear instructions on how to respond to such incidents, but on the other hand, a flexible and creative approach is important because of the unique nature of each situation.

UNDERSTANDING THREATS

Keeping in mind the life cycle of a threat will help lawyers to understand the threat:

The life cycle of a threat

Threats can have different stages. Not all stages are present in every case, and they do not necessarily develop in the order described below.



When a threat is identified, practice has shown that in order to respond efficiently and prevent risks, it is necessary to understand the threat and ask the following questions:

Where does the threat come from? Attention should be paid not only to the consequences, but also the source of the threat.

What is/may be the final objective of the threat? What or who is targeted? The impact on a particular lawyer may not mean that the lawyer is the ultimate target.

What reasons (may have) motivated the threat?

How was the threat made possible? What are the vulnerabilities that led to the possibility of the threat?

What are/could be the potential consequences of the threat? Threats may have an impact on:

- the client (financial or security threats);
- the lawyer, his/her family and close relatives;
- the team/the legal profession (associations, bar associations and representatives of civil society institutions);
- the public (all citizens, including lawyers); and
- the international community (for lawyers working at the level of the CoE, Organization for Security and Co-operation in Europe (OSCE) and United Nations).

Identifying and understanding the threat through the questions provided above will help in deciding on how to respond to the threat most effectively so that the threat does not achieve its objectives.

Please be mindful that:

- responses to the above questions are tentative and may lead to significant mistakes, thus not preventing threats at all.

Each threat must be looked at and analysed through an individual perspective. When doing so, it is important not to miss the essential factors, and at the same time, consider the situation as a whole:

- understanding and identifying the **different levels at which threats may affect a person** will make it possible to take a broader perspective of the situation and identify allies for support or solidarity. For example, the adoption of a law that obliges lawyers to disclose certain information to state bodies will not only affect lawyers but also their clients. Therefore, clients should also be concerned and take action in relation to the adoption of such a law.

When assessing the threat, it is important to remember that the more serious the threat, the more important it is to ensure that physical and other protection systems function as effectively as planned.¹³

STEP 2. ASSESSING VULNERABILITIES

In most cases, vulnerabilities and capacities are two sides of the same coin. Effectively assessing lawyers' vulnerabilities means first assessing the protection that lawyers benefit from in practice, and pitfalls and shortcomings in light of international standards (see above).

VULNERABILITIES OF THE LEGAL PROFESSION

The security of lawyers raises specific issues distinct from those arising in connection with the security of other HRDs. This is for a number of reasons, including:

¹³ Warning and protective measures in respect to the threats, arising from internal perpetrator of IAEA. Vienna, 2009 www-pub.iaea.org/MTCD/Publications/PDF/Pub1359r_web.pdf accessed 11 December 2019 (in Russian).

The legal profession is regulated by law, and lawyers serve as 'agents of the administration of justice'.¹⁴ This places lawyers in a situation of relative dependence vis-à-vis the state, even though the state should limit its role to the provision of a legal framework that protects the profession, thus supporting but not interfering with the profession's activities. Furthermore, if a lawyer cannot practise (eg, due to a licence withdrawal), he/she needs to retrain, requalify and search for new opportunities. Lawyers are also often prohibited from engaging in other paid work or from taking up cases likely to raise a conflict of interest.

Lawyers have specific responsibilities vis-à-vis their clients that require them to protect their client's interests while considering their own protection.

Lawyers are in constant contact with a defined circle of government institutions and officials (police, prosecutors and judges), and play a crucial role in the protection of the rights of a client detained under administrative or criminal proceedings. To perform their functions, lawyers often have to spend time surrounded by a number of suspects and guards, behind bars or electronic locks, and subject to other restrictive conditions.

Bar associations play a particular role in ensuring that lawyers' privileges, rights and guarantees (see Table 2, p 10) are protected.

Table 4. Vulnerability checklist: organisation of the legal profession

Lawyers work in an enabling legal and regulatory framework	<input type="checkbox"/> Is judicial independence protected by the Constitution? <input type="checkbox"/> Is the legal profession regulated by law and recognised as independent? Has the law been elaborated with the meaningful and non-discriminatory participation of the legal profession? <input type="checkbox"/> Does the state intervene in lawyers' regulation? If so, are there guarantees in place to ensure that lawyers' work free from any interference? <input type="checkbox"/> Is the legal aid system independent? <input type="checkbox"/> Is the work of HRDs protected by law?
Domestic bar association is independent and self-governing	<input type="checkbox"/> Is there an independent and self-governing bar association regulating the legal profession? <input type="checkbox"/> Is the bar association established by law? Does the law include, at a minimum, provisions relating to the independence of such an association, its composition and the definition of its functions? Has the law establishing the bar association been elaborated with the meaningful and non-discriminatory participation of the legal profession? <input type="checkbox"/> Are there guarantees in place to ensure that there is no discrimination in accessing the executive body of the legal profession? Is the executive body composed of, and appointed by, lawyers in the majority? <input type="checkbox"/> Is the bar association financially sustainable? <input type="checkbox"/> Does the law provide that the bar association has to be immediately informed in case of a lawyer's arrest, under domestic law? Is it the case in practice? <input type="checkbox"/> Has the bar association set up response mechanisms to ensure lawyers' protection? <input type="checkbox"/> Does the bar association actively promote human rights in the legal practice? <input type="checkbox"/> Are the state and bar association responsible for entry into the legal profession and ensuring continuing legal education? <input type="checkbox"/> Is the bar association systematically consulted in the case of law reform or law reform specifically addressing the administration of justice, particularly on issues of access to justice, enabling the legal environment, and issues of discrimination and inclusion? <input type="checkbox"/> Is the bar association free to be critical about the government's activities and programmes?

¹⁴ See n 2 above, principle 12.

Entry into the legal profession is fair, objective and non-discriminatory	<input type="checkbox"/> Is the principle of non-discrimination recognised in terms of access to the legal profession? <input type="checkbox"/> Has the state adopted positive measures that ensure that vulnerable and discriminated groups have access to the legal profession? <input type="checkbox"/> Are there initial and continuing legal education requirements for the legal profession in order to practise law? Are ethics and human rights included? <input type="checkbox"/> Is the admission process set up and controlled by an independent body? <input type="checkbox"/> Is the legal profession consulted and involved in the definition and organisation of the admission process? <input type="checkbox"/> Is the admission process transparent, objective and fair? <input type="checkbox"/> Is there a right to a judicial appeal against admission decisions?
Lawyers' code of ethics	<input type="checkbox"/> Is the legal profession governed by professional standards? <input type="checkbox"/> Have professional standards been developed by or with the active participation of the legal profession in the different stages of the process? <input type="checkbox"/> Are professional standards in line with standards developed at international and regional levels? <input type="checkbox"/> Is the legal profession regularly trained on ethical standards? <input type="checkbox"/> Are relevant ethical standards available to legal practitioners counselling at regional and international levels?
Disciplinary proceedings	<input type="checkbox"/> Is the disciplinary body independent from the state authorities? If the state intervenes in the disciplinary process, are there necessary safeguards in place to protect the independence of the process? <input type="checkbox"/> Is the disciplinary process against lawyers in accordance with applicable professional standards adopted by or with the legal profession? <input type="checkbox"/> Do the disciplinary proceedings comply with due process rights guaranteed in international and regional law? <input type="checkbox"/> Are decisions from the disciplinary body subject to an independent judicial review?

VULNERABILITIES OF YOUR LAW FIRM/LAWYERS' ORGANISATION

At the organisational level, you should pay attention to:

- security management processes;
- organisational chart, roles and responsibilities;
- documented procedures and records;
- staff qualification, awareness and training;
- physical safeguards and physical environment; and
- compliance with the requirements of legislation, regulatory frameworks, contracts, standards and tools.¹⁵

Please note that the fundamental principle of confidentiality in the lawyer–client communication requires extra protection in data management and use of social media and electronic devices by lawyers and the law firm.

¹⁵ See <http://xn----7sbab7afqes2bn.xn--p1ai/content/identifikaciya-organizacionnyh-uyazvimostey> (in Russian) accessed 11 December 2019.

Useful resources

For a useful tool for organisational security, see Protection International, *New Protection Manual for Human Rights Defenders* (2009), Part II. See, in particular, Chapter 2.1, 'Assessing Organisational Security Performance: The Security Wheel', and Chapter 2.3, 'Managing Organisational Shift towards an Improved Security Policy'.

LAWYER'S VULNERABILITIES

To assess weaknesses, all aspects of a lawyer's life should be considered (beliefs, religion, leisure, health, money, office, property, etc).

Table 5. Lawyers' vulnerabilities checklist

Financial (money, bank accounts, access to cards, sources of financing, formalisation of documented relations with each participant of financial relations, loans, payment of taxes and fines, reporting and liability)	<input type="checkbox"/> Do you fully comply with tax legislation and taxation procedures? Do you report in a timely fashion? Do you store financial documents appropriately?
Personal life (daily routine, life plans, family/ acquaintances/colleagues, hobbies, religion, etc)	<input type="checkbox"/> Leisure (off-work) time: Where do you go out to socialise? How do you behave and appear? How much money do you spend on what?
Psychological (mental health and resilience, ability to manage and regulate processes, time and resources, experience in self-defence, ability to control the situation, etc)	<input type="checkbox"/> Do you take measures to prevent professional burnout, such as limiting working hours from 0900 to 1800, taking a vacation every six months or consulting a coach or psychologist?
Communication/equipment (information management through different media/platforms to different audiences)	<input type="checkbox"/> Maintain confidentiality by ensuring that confidential information is not discussed in public, whether by telephone, in person or otherwise. It does not matter whether it is in a conversation, by phone or at a meeting. <input type="checkbox"/> Where and how do you store documents on cases? <input type="checkbox"/> Do you have a strong password to enter the computer upon which documents are stored? Do you keep it secret?
Legal insurance (for home, car, work etc)	<input type="checkbox"/> Is your liability insurance valid? <input type="checkbox"/> Do you comply with the law on personal data? <input type="checkbox"/> Are there any car accidents/fines caused by you/a relative with your car?

Work qualifications (to practise as a lawyer)	<input type="checkbox"/> Do you regularly undertake training and qualification courses? <input type="checkbox"/> Do you comply with all regulatory requirements for practice in your jurisdiction? <input type="checkbox"/> Do you take all measures to respect professional standards, protect your independence and the dignity of the profession and act with due diligence in your work?
Guarantees for lawyers' functioning	<input type="checkbox"/> Can you access and communicate with your clients in safe and confidential conditions? <input type="checkbox"/> Can you access the client's files in a timely manner? <input type="checkbox"/> Do you have enough time to study your clients' cases? <input type="checkbox"/> Can you freely access the court to represent your clients? <input type="checkbox"/> Can you provide legal assistance and representation without fear, intimidation or harassment?

STEP 3. ASSESSING RISKS

To assess risks means to assess the probability and impact of risks in light of the threats, vulnerabilities and capacities identified previously. A lawyer should ask him/herself:

- **What is the probability of the risk occurring?**
- **What will be the impact on me if the risk happens?**

Risk assessment is a continuous process. Nothing can be solved 'once and for all'. Changes occur over time and may be influenced by external and internal factors. Therefore, assessing security must be described as an ongoing process.

You can choose or create your own risk assessment methodology, but you should be aware of the importance of conducting such an analysis at least once per quarter.

No matter what security plan is determined, you can never exclude the possibility of making a mistake when assessing the threats and choosing a mitigation measure.

Useful resources

- Protection International, *New Protection Manual for Human Rights Defenders* (2009)

As outlined above, the 'risk formula' developed by Front Line Defenders determines the risk level based on the correlation between threats, vulnerabilities and capacities. The formula works as follows: the more threats or vulnerabilities in quality or quantity, the higher the risk. Conversely, the greater the capacities in quantity and quality, the lower the risk of threats.

- Front Line Defenders proposes as a 'risk meter' a scale on one side of which you place threats and vulnerabilities, and on the other, your capacities of protection.
- Front Line Defenders also proposes the use of a 'traffic light' system (red, yellow and green) as a signal to respond. It is a simple method to use, but initially requires identification of the 'levels' of threat and agreement on an appropriate signal for each.
- A variant of the risk formula above is a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis. This may include an analysis of the documentation, policies, regulations, results of strategic activities, and external and internal factors affecting the risk level. Risk factors are listed in a table and the interrelations between them are highlighted. The probability of occurrence of the threat, its potential impact, the place of

occurrence, the level of interrelations between factors and so on are analysed. In this system, the concept of 'danger/threat' is assessed personally by each individual, who determines the threshold as non-dangerous/acceptable/unacceptable danger/threat. Based on the most likely threats, a plan is developed for priority actions and annual measures.

- The Delphi method is a collective discussion of threats, vulnerabilities and control mechanisms that involves representatives of various spheres, such as security experts and external consultants. This method increases the fairness of assessments and the level of awareness about risks and prevention for all participants.

CHAPTER 2: RISK MANAGEMENT

LEARNING OBJECTIVES

At the end of the chapter, you will be able to:

- identify the main steps for a prevention strategy; and
- develop a response strategy and emergency protocols.

STEP 1. PREVENTION AND CAPACITY-BUILDING

On the basis of the risk assessment set up previously, you should prepare a concrete plan to:

- try to avoid the risk from happening; and/or
- minimise the negative consequences caused to you by that risk, in case it would be impossible to avoid (eg, a plan on how to mitigate the harm that may be caused to you and your work).

Depending on the stage and nature of a threat, the situation of the lawyer and other multiple factors, different tools can be used to prevent threats and to respond if those threats occur.

A security plan should be implemented at three levels:

1. Individual level:

- You may want to define rules and set up certain limits, beyond which neither you nor your family should go, for example, balance of funds on the bank account, amount of cash to be carried on one's person, limiting conversation on the phone to previously permitted topics and so on.
- Each individual has to follow the plan in order for it to work and to agree the establishment of certain standards, limits and restrictions on the conduct of certain actions. For instance, if you identify a criminal prosecution for forgery against you as a risk, preventive measures may consist of a list of actions to be taken in advance, for example, spending money in a transparent manner by using a bank card when paying for purchases, services, taxes and so on.

2. Organisational level:

- The organisation as a whole has to follow the plan.

3. Inter-organisational level:

- A 'support' or 'protection network' is absolutely key. Support from the legal community, also at the international level, is the first layer of protection to secure through trusted and regular contact. Your network may also include local communities, domestic and international human rights organisations, local authorities and the police insofar as you can establish trust. This support network is expected to be able to trigger a fast response in case of risk.
- As a general rule, the following tools are useful in terms of preventing and mitigating risks and threats that lawyers may face, and strengthening their security.

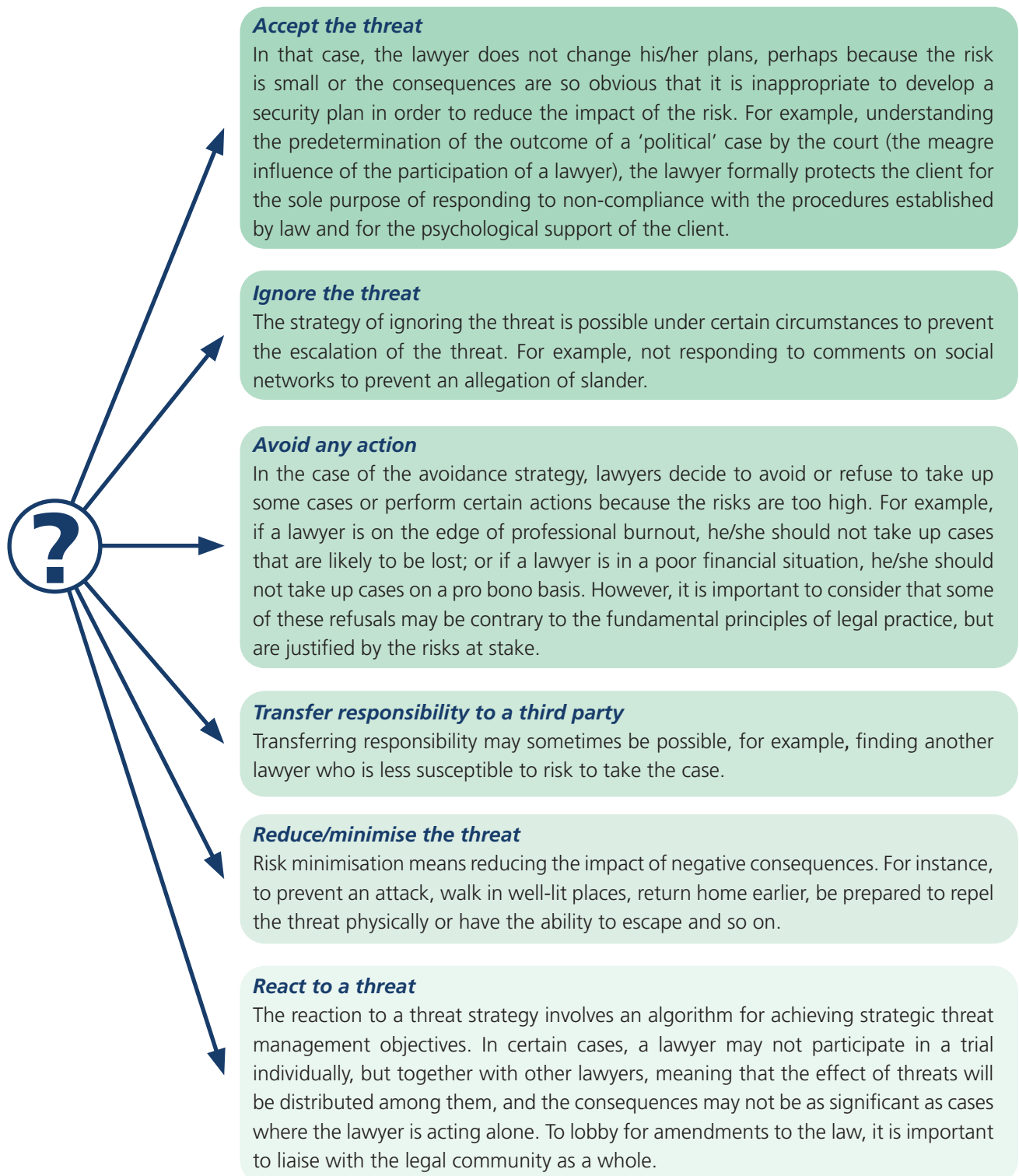
Table 6. Security tools

	Recommendations	Tools
Physical security tools	<ul style="list-style-type: none"> Strengthen the physical security of lawyers' offices through video surveillance cameras Secure safe document storage Increase fire safety 	<ul style="list-style-type: none"> Peace Brigades International (PBI) Cartilla de Proteccion integral para defensoras y defensores de Derechos Humanos en Honduras (2017), Capítulo 1: La protección física (in Spanish)
Legal tools	<ul style="list-style-type: none"> Master national and international rules and standards on lawyers' activities and lawyers' protection 	<ul style="list-style-type: none"> Training Module 1
Media tools	<ul style="list-style-type: none"> Increase the visibility of a particular lawyer or lawyers' association 	
Support network	<ul style="list-style-type: none"> Set up groups within the legal community for monitoring the situation, documenting cases and responding to pressure on lawyers Strengthen cooperation with the police, community leaders, local and national state authorities Strengthen relations and cooperation with local, regional and international partner organisations and media 	<ul style="list-style-type: none"> PBI Cartilla de Proteccion integral para defensoras y defensores de Derechos Humanos en Honduras (2017), Capítulo 3: La construcción de una red de apoyo (in Spanish)
Information security tools	<ul style="list-style-type: none"> Secure online communication and physical documentation 	<ul style="list-style-type: none"> IBA Cybersecurity Guidelines (2018) IBA International Principles on Social Media Conduct for the Legal Profession (2014) PBI Cartilla de Proteccion integral para defensoras y defensores de Derechos Humanos en Honduras (2017), Capítulo 2: Proteger nuestra información y comunicación (in Spanish)
International advocacy	<ul style="list-style-type: none"> Raise awareness of the situation of lawyers and human rights in general at the UN human rights mechanisms, including treaty bodies and special procedures 	<ul style="list-style-type: none"> Training Module 3 PBI Cartilla de Proteccion integral para defensoras y defensores de Derechos Humanos en Honduras (2017), Capítulo 4: La protección política/legal (in Spanish)
Self-protection measures	<ul style="list-style-type: none"> Hold regular trainings for lawyers on how to address threats and strengthen their security Secure a ready-made package of documents at home (passport with a visa), bags with necessary things, meals and a paid contract with another lawyer 	<ul style="list-style-type: none"> PBI Cartilla de Proteccion integral para defensoras y defensores de Derechos Humanos en Honduras (2017), Capítulo 5: Ejercicios de autocuidado (in Spanish)

STEP 2. RESPONSE STRATEGY AND EMERGENCY PROTOCOLS

After identifying and understanding the threat, a lawyer should be able to come up with a plan for how to respond to the threat, be able to respond to the threat and respond in a speedy manner.

Possible responses include:



However, always note that things should never be oversimplified. It very often might be that taking the necessary measures to prevent threats still does not guarantee the necessary protection. Monitoring and analysing the situation to prevent threats is crucial and should be a routine exercise for every lawyer at risk.

GENERAL GUIDANCE

When threats arise:

- ➔ Inform your colleagues and persons you trust about the threat you face; it is never a good idea to ignore risks and threats, or not to share information with close circles.
- ➔ Document and record the sequence of events, potential reasons for pressure, persons/institutions carrying out pressure and other details.
- ➔ Immediately report the incident to the bar association and law enforcement authorities insofar as you can trust them.
- ➔ Limit dissemination of personal and professional information (eg, on cases and clients) on social media and other sources.
- ➔ If under pressure because of a specific case you are working on:
 - engage other lawyers in the case to lower the attention and pressure on you; and
 - attract the attention of the media and the public to the case (eg, invite and facilitate media access to the court proceedings).
- ➔ Mobilise your support network locally and internationally.
- ➔ Contact the UN Special Rapporteur on the Independence of Judges and Lawyers and all relevant UN special procedures to put political pressure on the state and raise the awareness of the international community (see Training Module 3).

CHECKLIST FOR TAILORED RESPONSES

To develop an effective response plan based on an accurate assessment of the security situation, a checklist can help.

It is important to remember that the lawyer him/herself is primarily responsible for his/her safety.

QUESTIONS FOR ANALYSIS OF THREATS AND DEVELOPING OF THE RESPONSE PLAN

Identification of the lawyer with the client	26
Withdrawal of a lawyer's licence (disbarment)	27
Financial investigation (auditing)	28
Dissemination of false information/slander	30
Dissemination of confidential information	31
Search	32
Fire risks	34
Threats over the phone	35
Provocations	36
Assault	37
Administrative/criminal proceedings	38
Detention and imprisonment	42

IDENTIFICATION OF THE LAWYER WITH THE CLIENT

Know the law and protection mechanisms	<input type="checkbox"/> Does the current legislation prohibit the identification of a lawyer with a client? <input type="checkbox"/> Is there a professional association in charge of the protection of lawyers?
Assess risks	<input type="checkbox"/> Have there been cases of identification of a lawyer with a client in the country? By whom (media, society, legal community, state officials or institutions, others)? How widespread is this phenomenon? Has it ever escalated into a greater threat to a lawyer? What threat exactly? What were the circumstances? <input type="checkbox"/> Does a lawyer or the professional community regularly monitor media and social networks with the purpose of understanding the prevalent or widespread public opinion regarding lawyers in general and lawyers working on particular cases? <input type="checkbox"/> What kind of relationship does a lawyer maintain with his/her clients? Is it always just business, or are there exceptions? <input type="checkbox"/> What could be the result of identifying a lawyer with a client? What impact may this have on a lawyer? How may a lawyer respond to this? Does it have the potential to escalate into an even greater threat?
Set up prevention measures	<input type="checkbox"/> Do you always ensure your independence? Do you always sign a contract and fill in all other appropriate documents to regulate relations with the client? <input type="checkbox"/> What should be done to prevent your identification with your clients in general, and in concrete cases? <input type="checkbox"/> Do the state institutions understand the importance of this principle and act upon it? Would regular dialogues on the topic help? Would interventions by the international organisations to highlight the importance of the principle help? What could be done in that regard?
Define a reaction in case of identification of a lawyer with his/her client's cause	<input type="checkbox"/> Domestically, to what extent can you mobilise your network, engage with media to highlight the principle of independence of the legal profession, as well as everyone's right to a lawyer? <input type="checkbox"/> Would support or intervention from any other national actors help? <input type="checkbox"/> What international actors could be helpful and in what way? Do you have their contact information?

WITHDRAWAL OF A LAWYER'S LICENCE (DISBARMENT)

Know the law and protection mechanisms	<input type="checkbox"/> Based on what grounds can a lawyer's licence be withdrawn under the national legislation? <input type="checkbox"/> Who can initiate the disbarment proceedings and who makes the final decision?
Assess risks	<input type="checkbox"/> What is the situation in the country in terms of targeting lawyers through disbarment? Where can such information be found? <input type="checkbox"/> What is common among lawyers who are targeted through disbarment proceedings? <input type="checkbox"/> How often do initiated disbarment proceedings end in actual disbarment? <input type="checkbox"/> How common, if at all, are proceedings against a lawyer dropped/suspended with no official reason or justification? In what circumstances? What are the implied reasons for that? <input type="checkbox"/> Were there any signals of potential disbarment prior to the actual disbarment in previous cases? What were those signals?
Identify potential support	<input type="checkbox"/> Where (from whom) can one obtain appropriate support? The national bar association? Individual lawyers? What form would be most useful: private or public? <input type="checkbox"/> Would support or intervention from any other national actors help? <input type="checkbox"/> What international actors could be helpful and in what way? Do you have their contact information? <input type="checkbox"/> Would you be represented by colleagues in the disbarment proceedings?
Set up prevention measures	<input type="checkbox"/> What can be done to prevent a lawyer from losing his/her licence? <input type="checkbox"/> If proceedings against you are initiated, is it more beneficial to publicise the case or to keep it low-profile? Who could be supportive or beneficial partners/allies? How, if at all, can the international community help? How, if at all, can national lawyers' associations help? Are there other important actors (prominent or famous people or organisations) who could be helpful? <input type="checkbox"/> Do you have a lawyer? Are you accompanied by a lawyer to relevant meetings, and represented in court proceedings? <input type="checkbox"/> Is it better to stay in the country or leave? <input type="checkbox"/> Would not taking up/dropping a particular case potentially help?
Define a reaction in case of withdrawal of your licence	<input type="checkbox"/> Is the withdrawal of the licence lawful or arbitrary? <input type="checkbox"/> Could it be appealed against nationally or challenged internationally? <input type="checkbox"/> Do you have a support team to help with litigation? <input type="checkbox"/> To what extent can you mobilise your support network? Can you contact the UN Special Rapporteur on the Independence of Judges and Lawyers to gain his/her attention?

FINANCIAL INVESTIGATION (AUDITING)

Know the law and protection mechanisms

- ☐ What is the law regarding lawyer's financial responsibilities, including declarations and reporting?
- ☐ Has the legislation regarding financial reporting been amended or revised recently? When was the last time you checked the legislative updates?
- ☐ Which institutions have auditing powers over lawyers (tax authorities, prosecution office, anti-corruption bodies, financial police)?
- ☐ Where can you appeal in case of a dispute?
- ☐ What are the emergency numbers to dial in case of a potentially arbitrary/abusive auditing?

Assess risks

- ☐ What do you know about the practice of inspection of lawyers in your country? How many audits took place over the past year? What were the reasons? What were the results? What were the outcomes of such inspections on the lawyers' functioning?
- ☐ What consequences may the inspection and potential penalties have for you? What scenarios of the inspection are possible? Which of them are more likely and less likely, and why? Can the inspection make you even more vulnerable?

Set up prevention measures

- ☐ Are you and your team fully aware of the legal requirements of the auditing procedure to be followed by state institutions conducting the audit? These rules and procedures should be written down in advance and you and your team should fully understand and know them and know how to behave during auditing.
- ☐ Does you properly maintain all tax records and other related documentation? Do you report as required by law?
- ☐ Is there someone in your organisation specifically responsible for financial reporting and financial management? Can this person be trusted fully and completely?
- ☐ Is the office/premises technically equipped (video surveillance cameras, voice recorder, secretary who can record the actions of the inspectors) to document and collect evidence of the inspection? How do they function (ie, dependent on the availability of electricity, the internet or independently)? Where is the data stored? Who has access to it?

Define a reaction in case of investigation

In order to inspect the lawyer's office, the inspectors must provide an authorising paper (resolution/notice of inspection):

- ☐ What is the object of inspection mentioned in the document prescribing the audit? What is the reason for the inspection? Does the document contain the details of the officials conducting the inspection and the type of inspection? Keep in mind that inspectors can only carry out the inspection and audit of those documents and reports that are specified in the inspection documents.
- ☐ Get a copy of the resolution authorising the audit, write down all the information pertaining to the individuals conducting the audit, make sure that these people are properly authorised and that the audit is carried out in strict compliance with the law.
- ☐ Is the procedure of documentation and storage of financial documents, in particular the original documents, being carried out in accordance with laws and regulations?
- ☐ In case some documents are required during the inspection, avoid giving the originals to the inspectors. Make a copy, sign it, stamp it and provide it to the inspector. Keep the originals.
- ☐ Are there witnesses present during the search? Are there enough of them to ensure the process of searching in several rooms/offices at the same time?
- ☐ How do inspectors behave (eg, is their behaviour aggressive or do they communicate constructively)?
- ☐ Have laws and regulations been respected? If not, file a complaint.
- ☐ Is a copy of the audit results statement provided? After the inspection has been carried out, request an audit report (document detailing the findings of the inspection). If the audit report identifies any violation, it is necessary to get ready in advance to address them.
- ☐ Read the audit report carefully, look for inaccuracies, omissions and errors. On the basis of the audit report, you can produce a document in which you indicate all your objections.
- ☐ Consult with experts to decide on a strategy and whether to accept the audit results, write an objection to the audit report/statement of inspection, appeal against the actions of inspectors to a higher authority or court, appeal against unlawful actions to the prosecutor office, disseminate information through the mass media, or request a letter from the bar association.

DISSEMINATION OF FALSE INFORMATION/SLANDER

Know the law and protection mechanisms	<input type="checkbox"/> What does the law say of defamation in your country – is it a crime, an administrative offence or a civil liability claim? <input type="checkbox"/> Does the law protect privacy? To what extent? <input type="checkbox"/> What are the protection mechanisms available (eg, negotiations with the media provider, mediation services, criminal proceedings with a request for removing the information from the media and compensation for inflicted damage)?
Assess risks	<input type="checkbox"/> Are defamatory publications or publications on the private life of lawyers common in your country? What impact do they have? Assess the impact for the lawyer personally, for the lawyer's profession and work, or for the wider community.
Set up prevention measures	<input type="checkbox"/> Do you take all measures to respect professional standards, protect your independence and the dignity of the profession and act with due diligence in your work? <input type="checkbox"/> To what extent do you keep confidential and sensitive information safe? How do you protect your online communication? <input type="checkbox"/> How much do you share through social media? How accessible is your social media? <input type="checkbox"/> Do you have sensitive information on your phone? Both private and professional? Is it encoded? Is your password and pin lock always activated? Do you use the same phone for work and private purposes? Do you always keep an eye on your phone and other devices (eg, tablets, laptops)? Do you lock your computer every time you leave your desk, even for a moment?
Define a reaction in case of investigation	<input type="checkbox"/> Is it worth responding to the defamation or violation of your right to privacy at the expense of your peace of mind? <input type="checkbox"/> Was the information displayed through the internet, the media, leaflets? Who was the target audience and what was the outreach? <input type="checkbox"/> Did the information concern only you or a client as well? <input type="checkbox"/> If it was not the first publication about you, how often are the publications? <input type="checkbox"/> What consequences may the dissemination of information entail (whom will it affect)? Is it possible to monitor the comments to the disseminated information? <input type="checkbox"/> What is the intended purpose of disseminating such information? <input type="checkbox"/> Would additional legal advice help? <input type="checkbox"/> How can you rebut the disseminated information in the most relevant way? How urgent is it to respond to the information circulated? Which supporters could sign a 'response' establishing the truth? Who should receive it (eg, colleagues, supporters, donors)? In what way (eg, social networks, websites, interviews, press conference, press release, other)? <input type="checkbox"/> Would a legal case against the perpetrator be the best option?

DISSEMINATION OF CONFIDENTIAL INFORMATION

Know the law and protection mechanisms	<input type="checkbox"/> Is the lawyer–client privilege protected in domestic law? To what extent? What exceptions to confidentiality are legally permitted, for what purposes and objectives? Do such limitations comply with international standards? <input type="checkbox"/> What authority has the code of professional ethics in this regard? <input type="checkbox"/> What sort of information is protected by lawyer–client privilege and what must be disclosed? For example, does the law oblige the lawyer to provide information about the purpose and intended nature of the lawyer–client relationship, the client's financial and business activities, the financial status and sources of funds and/or other assets of the client and other information? <input type="checkbox"/> If the client is not a citizen of the country, is there an established procedure for reporting on foreign funds received by lawyers? <input type="checkbox"/> Are you obliged to verify the accuracy of information received from clients or their representatives following the principle of due diligence?
Assess risks	<input type="checkbox"/> Have attempts to violate the lawyer–client privilege taken place in the past? By whom? What were the outcomes? How did it occur?
Set up prevention measures	<input type="checkbox"/> To what extent do you keep confidential and sensitive information safe? Is your online communication protected? <input type="checkbox"/> How much do you share through social media? <input type="checkbox"/> Do you always comply with the legislation or are there cases when you occasionally do not? In which cases? Is the client notified in such a case? <input type="checkbox"/> Do you check your clients' sources of financing? Do you check their reliability? <input type="checkbox"/> Do you include a confidentiality provision in each contract? If so, what does the provision cover? Does it comply with domestic legislation? Does it comply with standards established in international law?
Define a reaction in case of dissemination of confidential information	<input type="checkbox"/> Can the bar association intervene in such a case? <input type="checkbox"/> Can you build on legal precedents in your country or in the region to make a legal complaint against the perpetrator? <input type="checkbox"/> Can you mobilise your network and reach out to the UN Special Rapporteur on the Independence of Judges and Lawyers as well as other relevant SPs at the UN and regional levels or the international community to bring attention to the matter and to denounce your case/a systematic practice?

SEARCH

Search is 'a compulsory inspection of premises and objects in order to find evidence of a criminal case'. It can only be carried out under criminal proceedings and can be undertaken without the permission of the owner or tenant of the premises.

Know the law and protection mechanisms	<input type="checkbox"/> What are the legal requirements to conduct a search at home or a law firm? <input type="checkbox"/> What are the special guarantees protecting lawyers (eg, lawyer–client privilege)? <input type="checkbox"/> What are the phone numbers of emergency services, law enforcement authorities, or human rights organisations able to intervene in case of a potentially arbitrary/abusive search?
Assess risks	<input type="checkbox"/> How often do searches in a lawyer's office or home take place in the country? What were the consequences of the search in previous cases? <input type="checkbox"/> What consequences would a search have on you? Can a search make you even more vulnerable? <input type="checkbox"/> Are confidential/sensitive materials kept in the office? Can this material compromise you?
Set up prevention measures	<input type="checkbox"/> Are you, your colleagues or your family aware of the domestic legal requirements for conducting a search? These rules and procedures should be written down in advance and you and your team should fully understand and know them and know how to behave during searches. <input type="checkbox"/> Is the office ready for an unexpected visit? Is there a reliable door, or a peephole on the door? <input type="checkbox"/> Is the entrance to the building/office guarded? Do you trust the security personnel? <input type="checkbox"/> Do you have a video surveillance or sound recording system? How does the camera function (eg, dependent on the availability of electricity, internet or independently)? Where is the data stored? Who has access to it? <input type="checkbox"/> Are documents stored in a safe place? <input type="checkbox"/> Do you have sensitive information on your phone? Is it encoded? Are your password and pin lock always activated? Do you use the same phone for work and private purposes? <input type="checkbox"/> Do you keep an electronic version of all important documents and materials? Are these copies stored in a safe place? <input type="checkbox"/> Do you have security rules in place in case of a search? <input type="checkbox"/> Are you in contact with international organisations, local human rights organisations or lawyers' associations?

Define a reaction in case of search

- ☐ Have you been informed of the grounds for the search and of the appropriate order for conducting such a search? Take a photo of this document, or at least write down all the possible details of the paper. What is the search associated with (eg, what case and actions)?
- ☐ Who is the source of the threat?
- ☐ If it is not possible to video-record or take photographs of the search process, then document and write down the entire search process.
- ☐ Are there witnesses present during the entire search? Are there enough people to ensure the process of searching in several rooms/offices at the same time?
- ☐ Read the document drawn up as a result of the search carefully. Write all of your comments and justifications on this paper. In particular, specify the actions of the investigators (eg, 'they behaved rudely, did not give the opportunity to review the search warrant, did not give the permission to record the search process on a mobile device, a search was carried out simultaneously in several rooms/offices, witnesses were not provided for the entire search process').
- ☐ Sign all sheets, cross out the blank spaces so that it is not possible to add and fill in the blank spaces after the completion of the search report. Require a copy of the fully completed and signed report.

FIRE RISKS

Know the law and protection mechanisms	<input type="checkbox"/> What are the fire safety requirements for a concrete building/room (office, training centre, home, etc)? <input type="checkbox"/> What are the emergency numbers in case of a fire?
Assess risks	<input type="checkbox"/> How often is arson practised in your country? Have there been cases of arson in your town? Was there a thorough investigation of the case? What was the outcome? <input type="checkbox"/> What can be the purpose of arson (eg, destruction of documents, infliction of personal harm to you, intimidation, revenge)? <input type="checkbox"/> Whom can you contact urgently in case of arson? <input type="checkbox"/> Who and in what way could someone gain access to the property, office, house, documents? <input type="checkbox"/> Is fire safety practised (eg, in the office, at home, in the cars of family members or colleagues)? <input type="checkbox"/> Are there flammable items at home or in the office (see the list of flammable items)? <input type="checkbox"/> Is the building, entrance and street easily accessible for fire engines? <input type="checkbox"/> Do you, your family members and employees know how to behave in case of fire? <input type="checkbox"/> Do you know the telephone numbers of the nearest fire stations? <input type="checkbox"/> Do your nearest neighbours know how to behave in case of fire? <input type="checkbox"/> Do you know where the fire exits are located?
Set up prevention measures	<input type="checkbox"/> Are the rules on fire safety at home and in the office known and regularly applied? Are all family members and members of the staff trained to use appliances, heaters, lighting and other flammable items? <input type="checkbox"/> What can be destroyed in case of fire being set to documents, property, office or home? <input type="checkbox"/> Have you backed up important documents electronically? Where are these materials kept? <input type="checkbox"/> Is the property insured? <input type="checkbox"/> Where are all original documents stored? Are there notarised copies of all important documents? <input type="checkbox"/> Do you have the resources to recover from the consequences of a fire? If not, do you know what organisations can assist you to do so? <input type="checkbox"/> When was the last time a fire sleeve was inspected in the vicinity of your home or office?
Define a reaction in case of fire	<input type="checkbox"/> What materials do you have to protect your face and cover your mouth? You should protect yourself first before saving any material from the fire. <input type="checkbox"/> Call the emergency number immediately

THREATS OVER THE PHONE

Know the law and protection mechanisms	<input type="checkbox"/> What is the domestic legal protection against threat? What are the provisions of the Criminal Code?
Assess risks	<input type="checkbox"/> Are lawyers sometimes threatened in the country? How? What have been the outcomes?
Set up prevention measures	<input type="checkbox"/> Do you have paper and a pen at hand or can you record a conversation when receiving a call from an unknown number?
Define a reaction in case of threat	<input type="checkbox"/> Collect evidence: take a screenshot, record the call details and print out the phone calls. In case it is not possible to identify the phone number of the caller, record the entire conversation on a recorder, or write down the key words, expressions, the nature of the conversation and your feelings on paper. Write down the words of the threatening person, whether he/she presented him/herself, or if he/she informed you of the reason for his/her call. If no recordings were made during the conversation, it is necessary to write down all the details immediately after the call. Do not rely on your memory. Write down the exact time and duration of the call. <input type="checkbox"/> Do you know who threatened you (his/her full name, place of employment, gender, age, nationality or ethnicity, education)? <input type="checkbox"/> Are the motives and reasons for the threats known? What is the threat associated with? What are the possible options? <input type="checkbox"/> From what country or place is the threatener calling (international call, radiotelephone, call from the street, etc. If from a public place, try to remember the specific sounds, eg, the sound of a train or a railway road, ships, birds, a factory, transport, street noise, underground, machines, a cafe, etc)? <input type="checkbox"/> How was the conversation (eg, fast, slow, clear, confident, stuttering, showing obvious excitement, aggressive)? Did the caller have a speech defect? <input type="checkbox"/> Could the voice of another person be heard prompting the speaker or participating in the conversation? <input type="checkbox"/> Was this the first call? If not, has the frequency or intensity of threats changed? <input type="checkbox"/> How did you determine that this was a threat, that is, what phrases or anything else (eg, intonation, a specific case, events) indicated this? <input type="checkbox"/> Did the caller express a direct demand (why was the call made by the caller regarded as a threat)? Did you understand the purpose of the threat? <input type="checkbox"/> To what extent is the threat feasible? <input type="checkbox"/> Did the caller make a demand personally, act as an intermediary or represent a group of people? <input type="checkbox"/> When receiving threats, it is recommended to inform and consult your colleagues about the threat response strategy. <input type="checkbox"/> File a complaint with the police, which will be the ground for initiating an investigation.

PROVOCATIONS

Provocations focus on a specific reaction by using the vulnerabilities of the lawyer's personality (temper, property, citizenship, condition, family, close relationships, etc). The sources of threats try to 'make the lawyer lose his/her temper' and provoke a definite, pre-planned reaction (words, actions). Each provocation has a goal (to create an 'excuse') and is schemed for certain consequences (eg, administrative or criminal liability, blackmailing, divorce etc).

Know the law and protection mechanisms	<input type="checkbox"/> To what extent can authorities interfere in the lawyers' activities? <input type="checkbox"/> Does the bar association respond in case of threats against lawyers or interference in their activities?
Assess risks	<input type="checkbox"/> Is there a practice of bringing a lawyer to a particular type of liability in your country? Is it possible to monitor actions against lawyers (eg, prevalence of certain measures, specific examples, their similarity, frequency, causes)? Has the lawyer responded (words, behaviour, actions) in possible problematic cases? What were the results? <input type="checkbox"/> Which of these cases are most likely to apply? <input type="checkbox"/> Who, apart from you, has access to your sensitive or confidential information? Can it be used against you? If so, in what cases, under what circumstances, for what reasons, for what purpose, by whom, etc? <input type="checkbox"/> What habit, hobby, beliefs, personal quality, action, relationship, partner, friend or anything else could be a cause for an attack? <input type="checkbox"/> In what situations could your behaviour be cause for or has caused a negative reaction from others or official institutions? Is it important to review specific approaches, actions and attitudes in your public and private life.
Prevention measures	<input type="checkbox"/> Do you comply with the law in all areas of your life (eg, crossing the street, receiving rewards from the client, paying taxes, throwing out garbage, etc)? <input type="checkbox"/> Do you pay attention to your relationships with others, and their reactions? <input type="checkbox"/> How much information do you share through social media? <input type="checkbox"/> To what extent are your actions, routes, vacations, business trips, phone calls, etc predictable? <input type="checkbox"/> Do you have the skills (eg, familiar with special techniques) for responding to rudeness, defamation, violence, arbitrary restriction of the rights (of a lawyer or other people), non-compliance with the requirements of the current legislation? <input type="checkbox"/> Do you consider it possible to learn self-control, consult a specialist (eg, a psychologist or a coach), obtain experience in analysing the situation and making an objective assessment? <input type="checkbox"/> Do you know where it is necessary to be in a mass gathering place in order to avoid personal provocation? <input type="checkbox"/> Have you identified a lawyer with whom to sign an agreement for your defense?
Define a reaction to a provocation	<input type="checkbox"/> Consider keeping silent, taking further preventive measures or filing a complaint.

ASSAULT

Know the law and protection mechanisms	<input type="checkbox"/> What are the emergency numbers to call in case of attacks (eg, police, bar association, colleagues)?
Assess risks	<input type="checkbox"/> Are you aware of cases of attacks against lawyers in your country? Are they usually sudden or unexpected? <input type="checkbox"/> What has been the reaction from the population, the police, the prosecutors and courts in those cases? <input type="checkbox"/> How safe do you feel in your daily life (eg, when walking outside)? <input type="checkbox"/> In connection with what (for what reason) and by whom could you be attacked (eg, when visiting certain places, attending events)? <input type="checkbox"/> What are the places and times of higher risk in terms of being assaulted?
Prevention measures	<input type="checkbox"/> Are your life, health and transport insurance up to date? <input type="checkbox"/> Do you avoid such behaviour as openly demonstrating valuable things (eg, cash, jewellery, equipment, gadgets, transportation, etc)? <input type="checkbox"/> Do you keep track of what is in your bag or car? Avoid weapons and spray, which can be used against you or as a ground for detention. <input type="checkbox"/> Think of your travel routes: what routes you take, at what time, what transport, with whom (alone or accompanied by someone). What places do you visit daily/weekly/etc? <input type="checkbox"/> What is the safest mode of transport in the area where you live (eg, on foot, by public transportation, in your own car, by taxi)? Is it necessary to always use the same method, and when is it not safe? <input type="checkbox"/> Do you change the time, routes and modes of travel (how often)? <input type="checkbox"/> Is the area where you go/live well-lit? <input type="checkbox"/> Do you carry anything that might help to respond to an attack (eg, a whistle, salt, keys)? <input type="checkbox"/> Would you be able to shout in case of an attack, to run away (if your health and fitness prevents this, it is important to have alternative ways), to fight back (eg, know the methods and techniques of self-defense, be physically fit)? <input type="checkbox"/> Do you wear clothes and shoes suitable for fast running? <input type="checkbox"/> Do you have good observation and orientation skills? <input type="checkbox"/> Are video cameras installed and functioning, where are they located, and who has access to them? <input type="checkbox"/> Do you know by heart the essential phone numbers (family, friends, colleagues, a lawyer, emergency services)? Do you have a keyboard shortcut or a recorded message to a certain recipient prepared? Do you have a habit of turning on the recorder in an unsafe situation?

Define a reaction to an attack

- ☐ What will be your actions after the attack?
- ☐ Do you have a clear understanding of your location and to which direction it is better to move (eg, run away or hide if necessary)?
- ☐ What is most relevant reaction (eg, fighting back, running, reasoning with the attacker, surrender)?

ADMINISTRATIVE/CRIMINAL PROCEEDINGS**Know the law and protection mechanisms**

- ☐ Who can arrest you? Only the police?
- ☐ Do you know the minimum standards (detainee rights) and procedures under national and international legislation?
- ☐ How long can you be arrested for without a court's ruling?

Assess risks

- ☐ What do you know about the practice of arrests of citizens, in particular lawyers and activists, in your country? How many such cases of detentions took place over the past year? What were the reasons, results/outcomes? What were the consequences of arrests in previous cases?
- ☐ What is common among the lawyers who are targeted through the criminal/administrative proceedings?
- ☐ How often do initiated criminal/administrative proceedings end in actual conviction?
- ☐ How often are proceedings against a lawyer dropped/suspended with no official reason or justification? In what circumstances? What are the implied reasons for that?
- ☐ What are the potential consequences for a lawyer of arrest or administrative liability?
- ☐ Why was a human rights lawyer brought to criminal liability?
- ☐ Who is a source of threats? Who and what influences the dynamics of the situation?
- ☐ What are lawyer's current vulnerabilities? What vulnerabilities may appear later?
- ☐ How real is the threat? What harm will be caused if the threat occurs?
- ☐ Have such cases of bringing a lawyer to criminal or administrative liability occurred in the past? If so, in relation to whom? What strategy was applied? What was the result?
- ☐ Could arrest make you even more vulnerable?
- ☐ Were there any signals of potential proceedings against a lawyer prior to the actual proceedings in previous cases? What were those signals?

Identify potential support	<input type="checkbox"/> Where (from whom) can one obtain appropriate support (eg, the national bar association, or individual lawyers)? What form of support would be most useful: private or public? <input type="checkbox"/> Would support or intervention from any other national actors help? <input type="checkbox"/> What international actors could be helpful and in what way? Do you have their contact information? <input type="checkbox"/> Would you be represented by colleagues in criminal or administrative proceedings?
Prevention measures	<input type="checkbox"/> Do your colleagues and family members know how to behave/what steps need to be taken if you are detained? <input type="checkbox"/> Do you have a pre-signed contract with a lawyer to represent you if you are detained? <input type="checkbox"/> Do you have contacts (eg, within international organisations, local human rights organisations, officials of the bar associations) who are informed about the likelihood of your arrest? <input type="checkbox"/> Do you interact/cooperate with the aforementioned persons and organisations? Do they know of their function in the event of the detention of a lawyer? <input type="checkbox"/> Do colleagues, relatives, allies know how to behave in case a lawyer is brought to criminal liability? If not, then you need to think of the steps, assign responsibilities, and discuss the actions of each. <input type="checkbox"/> What can be done to prevent a lawyer's arrest? <input type="checkbox"/> If proceedings against a lawyer are initiated, is it more beneficial to publicise the case or to keep it low-profile? Who could be supportive and beneficial partners/allies? How, if at all, could the international community help? How, if at all, could the national lawyers' association help? Are there other important actors (eg, prominent or famous people or organisations) who could be helpful? <input type="checkbox"/> Does you have a lawyer? Are you accompanied by a lawyer to relevant meetings, and represented in court proceedings? <input type="checkbox"/> Is it better to stay in the country or leave? <input type="checkbox"/> Would not taking up/dropping a particular case potentially help?
Define a reaction to administrative/ criminal proceedings	<input type="checkbox"/> Ask the officer to say his position, rank, last name and first name, as well as to present his/her ID. Take your time and be sure to write down the data of the officer's ID (you can record in a notebook, telephone, voice recorder). Record the number on the police badge and car licence plate registration (if available). Try to remember the specific features of a police officer. If the police officer refuses to introduce him/herself or show his/her ID, or does not allow you to take notes of his/her data, politely inform him/her that he/she is violating legal requirements. <input type="checkbox"/> Ask the police officer to clearly and distinctly inform you of the reasons and grounds for the arrest. <input type="checkbox"/> What do you think you have been arrested for? Is the arrest random, or targeted at a specific lawyer or union of lawyers? <input type="checkbox"/> Who is the source of the threat? The representative of which body carries out the arrest? Is the arrest of an administrative (ie, are there any grounds for bringing the lawyer to administrative responsibility) or criminal nature?

If you are brought to administrative liability:

- ☐ If a police officer draws up a relevant document of an administrative offence committed by you (the offence protocol), read the text of the protocol carefully. This document may be the only, or the most significant, document among other documents/evidence of an administrative offence. The protocol should be drawn up in the presence and with the participation of the person accused of committing an administrative offence.
- ☐ Pay attention to whether all of your arguments/reasons and details are included into the protocol. Is the protocol clear? Does it depict the real situation? Include all your arguments and explanations in the protocol without restrictions, and sign all parts of the protocol to which you have given explanations.
- ☐ Know the law (eg, if you have the right to refuse to give explanations, if you do not want to give such explanations). In a number of countries, it is a right, not an obligation, to give an explanation in an administrative procedure. In addition, remember the presumption of innocence. If you are not sure about a particular right, ask the officer if you have such a right.
- ☐ Demand that your rights are respected: access to a lawyer, provision of an interpreter, explanations given in your native language, and familiarisation with all the materials of the protocol and the administrative case. If your rights are not respected, make appropriate notes about this in the protocol. Also, make a note of what you were told by the officer regarding a particular right you asked about.
- ☐ Is the officer drawing up the protocol authorised to make a decision on bringing you to an administrative liability? If not, then who has that right? It is necessary to defer review of the protocol, if there is such a right, in order to prepare for the process carefully? Ask for the text of the protocol immediately and appeal the protocol, otherwise it will be considered that the person agreed with it, and the protocol itself will be used as the main evidence.
- ☐ If during an interview/arrest, the police uses force unlawfully, rudeness, insults, removes private property, electronic gadgets and phones, you must immediately call a lawyer, colleagues and/or family to tell them about the situation, telling them where you are and the details of the police officer who carried out such actions.
- ☐ Report on the unlawful actions of the police officer at the time of the arrest by calling the hotline numbers (eg, police headquarters, ombudsman, prosecutor's office, emergency services, human rights defenders, journalists).
- ☐ Do not resist the demands of a police officer, except when they are clearly arbitrary – but in this case, try as much as possible to record what is happening or tell someone. Resisting even unlawful actions in practice can result in a criminal case against you.
- ☐ If possible, turn on a camera or voice recorder (you can use a camera or recorder of your mobile device) when talking with a police officer and being arrested.

If you are brought to criminal liability:

- ☐ Is it necessary to document violations of rights? Who should document it? How? What for?
- ☐ What strategy should be chosen: to actively defend yourself by proving innocence, or to take a passive position (ie, 'no one is obliged to prove his/her innocence'). If the active defence strategy is chosen, then you need financial means for a lawyer.
- ☐ What may create obstacles or already prevents the implementation of this strategy?
- ☐ Who is helping now and will be able to help in the implementation of the strategy? What resources are available and what else is needed? How will this particular strategy help? When exactly? What means, tools, methods, specialists and experts will be required for this? How realistic is this?
- ☐ What is the most important and significant factor that will play a major role? When (under what circumstances) should you review the strategy?

DETENTION AND IMPRISONMENT

Know the law and protection mechanisms	<input type="checkbox"/> What legal and realistic possibilities are available for parole, replacement of the imprisonment penalty with another milder punishment, for facilitating the conditions of detention or for the transfer to another institution with 'milder' detention conditions? <input type="checkbox"/> What response strategies should be worked out if a lawyer's rights are violated? It is important to record and document them (eg, through addressing the ombudsman, human rights activists, international organisations, the Prosecutor or the court).
Assess risks	<input type="checkbox"/> Have lawyers been detained in your country in the past? On what grounds? In what circumstances? What have been the outcomes?
Prevention measures	<input type="checkbox"/> To what extent are your observation skills and responsiveness to 'emergency' situations developed? <input type="checkbox"/> How do you behave with different categories and groups of people in a place of detention (what should be studied in this regard)? <input type="checkbox"/> What should be done to communicate with the outside world (with a lawyer, family, friends, colleagues, institutions of public control and the Prosecutor) and to receive visits, parcels, food and consumables? <input type="checkbox"/> How should one behave in dangerous/emergency situations (do you have the skills of self-defence, response, psychological deterrence, mediation, negotiations)? What would help (within the legal framework)? <input type="checkbox"/> What should be done if clothes or shoes are insufficient or out of date (eg, food and consumable items)? <input type="checkbox"/> In case dietary food is required, how should it be provided? <input type="checkbox"/> Medical care and medicines may not be available: what can be done to avoid deterioration of health and to take care of it, and what cure can be provided in the event of illness?
Define a reaction when in detention	<input type="checkbox"/> Are you able to soberly assess and accept the reality? Do you know where you are detained, in which region, on what grounds, for what period, for how long, together with whom, and what the consequences are? <input type="checkbox"/> Do you have information about the human rights situation in the institution? <input type="checkbox"/> Can you count on the support of people working in this institution (whom can you trust)? <input type="checkbox"/> Is the sleeping area safe? <input type="checkbox"/> Is there a plan of dwelling in the institution? Are there any job opportunities? What are the opportunities of involvement in useful activities, such as sports, self-education, work and self-improvement (eg, exercise, sports equipment, library, language-learning facilities, analytical work, availability of pens, paper, etc)? <input type="checkbox"/> What volunteer assistance to others could the lawyer offer (eg, free legal aid to other people detained in this institution, appeal to the court if prisoners do not comply with legal acts, etc)?

ANNEX: KEY RESOURCES

- Font Line Defenders, *Protection International, New Protection Manual for Human Rights Defender* (3rd edn, 2009), www.protectioninternational.org/wp-content/uploads/2012/04/Protection-Manual-3rd-Edition.pdf
- Front Line Defenders, *Workbook on Security: Practical Steps for Human Rights Defenders at Risk* (2011), www.frontlinedefenders.org/en/resource-publication/workbook-security-practical-steps-human-rights-defenders-risk
- PBI Colectivo ANSUR, *Tejidos de Protección* (2013) (Focus on Colombia), https://spd.peacebrigades.org/sites/seguridadparadefender.org/files/2013TejidosProteccion_ColectivoANSUR.pdf
- PBI, *Cartilla de Protección Integral para defensoras y defensores de Derechos Humanos en Honduras* (2017), https://spd.peacebrigades.org/sites/seguridadparadefender.org/files/2017CartillaProteccionHonduras_PBIHonduras.pdf
- PBI, Platform on Security and Protection, <https://spd.peacebrigades.org/sobre-pbi>
- PBI, *Haciendo que el Cambio sea una Realidad: Repensando la Protección, el Poder, y los Movimientos. Análisis y experiencias desde las defensoras en Mesoamérica* (2017), https://spd.peacebrigades.org/sites/seguridadparadefender.org/files/2017CambioRealidadRepensandoProteccionDefensorasMesoamerica_JASS.pdf
- International Service for Human Rights, *Model Law for the Recognition and Protection of Human Rights Defenders* (2017), www.ishr.ch/news/model-law