

Video Intervention: Check against delivery

Organization: Lawyers' Rights Watch Canada

Item: Item 3: Interactive Dialogue with the Working Group on Arbitrary Detention (WGAD)

Date: 18 September 2020

Speaker: Catherine Morris

Oral Statement to the 45th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Mme. President,

Lawyers' Rights Watch Canada and Lawyers for Lawyers appreciate the Working Group's report, including its emphasis on access to legal assistance to prevent arbitrary detention.¹ The Working Group's Deliberation No. 11 emphasized that prohibition of arbitrary detention is "absolute and universal"² and that COVID-19 emergency powers "must not be used to silence human rights defenders."³

Turkey and Iran released thousands of prisoners to reduce COVID-19 risks, but many rights lawyers and defenders were excluded from release.⁴

In Turkey, hundreds of lawyers are unlawfully imprisoned⁵ on terrorism-related charges aimed at deterring lawyers from lawfully representing dissidents. In July the Working Group communicated⁶ concern about Turkey's overbroad terrorism laws. In September, the Working Group joined other UN experts calling for release of defenders and expressing dismay about the "preventable" death of lawyer Ebru Timtik, who died while fasting to demand fair trials.⁷ Yet last Friday, Turkey arrested 60 more lawyers, the majority women, for representing persons accused of involvement in "terrorism."

In Iran, arbitrarily detained defenders include women's rights lawyer Nasrin Sotoudeh and rights lawyer Amirsalar Davoodi. Ms. Sotoudeh faces deteriorating health; she has been fasting since August to seek release of political prisoners.⁸

We ask the Council to urge Turkey and Iran to release all arbitrarily detained defenders. We suggest that the Working Group request country visits to both countries.

Thank you.

¹ UN Human Rights Council, Report of the Working Group on Arbitrary Detention, A/HRC/45/16, 24 July 2020, <https://undocs.org/en/A/HRC/45/16>

² UN Working Group on Arbitrary Detention, Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies, 8 May 2020, para. 5, available at: https://www.ohchr.org/Documents/Issues/Detention/DeliberationNo11_AdvanceEditedVersion.pdf.

³ Ibid, para 22.

⁴ LRWC, “Turkey: International law obligations to release Lawyers and others Illegally Imprisoned,” (14 May 2020), <https://www.lrwc.org/turkey-international-law-obligations-to-release-lawyers-and-others-illegally-imprisoned-letter/>.

⁵ Arrested Lawyer et al, Joint Statement on the Arrest of 48 Lawyers and 7 Intern Lawyers in Ankara, Turkey. 16 September 2020, <https://arrestedlawyers.org/2020/09/16/joint-statement-on-the-arrest-of-48-lawyers-and-7-intern-lawyers-in-ankara-turkey-16-9-2020/>, and at <https://www.lrwc.org/?p=17365>.

⁶ UN Human Rights Council Special Procedures, Communication to Turkey, OL TUR 13/2020, 20 August 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25482>.

⁷ UN Human Rights Council, Turkish human rights lawyer dies after hunger strike, 2 September 2020, : <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26203&LangID=E>

⁸ Lawyers for Lawyers, The Law Society, and Lawyers’ Rights Watch Canada, Joint letter on the continued detention and precarious health situation of Nasrin Sotoudeh and Amirsalar Davoodi, 16 September 2020, <https://lawyersforlawyers.org/joint-letter-on-the-continued-detention-and-precarious-health-situation-of-nasrin-sotoudeh-and-amirsalar-davoodi/>.