



Organization: Lawyers' Rights Watch Canada

Item: Item 3: Interactive Dialogue with the Special Rapporteur on the independence of judges and lawyers

Date: 20 June 2022

Speaker: Brian Samuels

Oral Statement to the 50th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC) and Lawyers for Lawyers, NGOs in special consultative status

China, Iran and Türkiye: Systematic pattern of arbitrary detention of lawyers

Mr. President,

Lawyers' Rights Watch Canada and Lawyers for Lawyers welcome the Special Rapporteur's report.¹ We are gravely concerned about systematic and widespread prolonged arbitrary detention of lawyers in several countries, including China, Iran, and Türkiye, where persecution of lawyers systematically deprives persons of legal representation and access to justice.

Opinions of the Working Group on Arbitrary Detention on these three countries note that "...under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty ... may constitute crimes against humanity."

Iran² systematically subjects many lawyers to prolonged arbitrary detention and ill-treatment for undertaking legitimate professional activities.³

Türkiye systematically misuses overbroad anti-terrorism laws to prosecute and arbitrarily detain hundreds of lawyers – more than any other country.⁴

China, too, systematically detains and prosecutes lawyers who uphold human rights⁵ –subjecting many to torture and ill-treatment, including enforced disappearance, as well as prolonged prison sentences. The High Commissioner raised concerns about arrested lawyers after her recent visit to China;⁶ and we urge her to set a clear timeline for urgent release of her long awaited report.⁷

We also urge this Council to ensure thorough, impartial investigations and accountability for these and other States where systematic arbitrary detention may rise to the level of crimes against humanity.

Thank you, Mr. President.

¹ Report of the Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, Protection of lawyers against undue interference in the free and independent exercise of the legal profession, A/HRC/50/36, 22 April 2022, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F36&Language=E&DeviceType=Desktop&LangRequested=False>

² Iran: UN experts alarmed by civil society crackdown, 15 June 2022, <https://www.ohchr.org/en/press-releases/2022/06/iran-un-experts-alarmed-civil-society-crackdown>.

³ Iran: Systematic and widespread arbitrary detention of lawyers and other human rights defenders, Joint written statement submitted by Lawyers' Rights Watch Canada, International Bar Association, Lawyers for Lawyers, The Law Society of England and Wales, A/HRC/50/NGO/15, 26 May 2022, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/351/35/PDF/G2235135.pdf?OpenElement>

or <https://www.lrwc.org/iran-systematic-and-widespread-arbitrary-detention-of-lawyers-and-other-human-rights-defenders-joint-written-statement-to-the-un-human-rights-council/>.

⁴ The Special Rapporteur notes that since 2022, authorities have prosecuted more than 1,600 lawyers, placed 615 in pretrial detention, and sentenced 474 to lengthy prison sentences.

See the Special Rapporteur's annual report, *supra* note 1, at paragraph 40. Lawyers who have been subjected to arbitrary detention in Turkey and for whom LRWC and L4L have advocated over a period of years include **Ramazan Demir, Eren Keskin, Mustafa Aydın, Dr. Sebnem Fincancı, Can Tombul, Taner Kilic, Nurullah Albayrak, Dr. Hidayet Karaca, Ebru Timtik, Aytac Unsal, Dr. İstar Gözaydın, Turan Canpolat, Özlem Dalkiran, Idil Eser, Gunal Kurşun, Aysel Tuğluk**, and others. See LRWC interventions on Turkey at

<https://www.lrwc.org/category/publications/campaigns/countries/turkey-letters/>. Lawyers for Lawyers has also done a number of interventions and has actively participated in trial monitoring of the trials of Turkish lawyers and legal organisations. See for instance:

<https://lawyersforlawyers.org/lawyers-for-lawyers-monitored-first-hearing-in-trial-of-berrak-caglar/> and <https://lawyersforlawyers.org/lawyers-for-lawyers-monitored-hearing-in-the-trial-against-the-lawyers-of-the-ohd/>.

⁵ China, including Hong Kong, has arbitrarily detained hundreds of lawyers and other human rights defenders, including lawyers **Chang Weiping, Chow Hang-Tung (Hong Kong) Ding Jiayi, Gao Zhisheng, Xu Zhiyong, Yu Wensheng, Zhang Zhan**, as well as human rights defenders such as **Ilhan Tohti, Celil Huseyin, Jimmy Lai** (Hong Kong), and many others. See LRWC's advocacy concerning China at <https://www.lrwc.org/category/publications/campaigns/countries/china-letters/>. Also see Lawyers for Lawyers, LRWC and other organisations' joint submission to the Special Rapporteur with regards to China: <https://lawyersforlawyers.org/wp-content/uploads/2021/12/Joint-submission-to-SR-IJL-Dec-2021.pdf>.

⁶ Statement by UN High Commissioner for Human Rights Michelle Bachelet after official visit to China, 28 May 2022, <https://www.ohchr.org/en/statements/2022/05/statement-un-high-commissioner-human-rights-michelle-bachelet-after-official>.

⁷ OHCHR, China must address grave human rights concerns and enable credible international investigation: UN experts, 10 June 2022, <https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible>; Joint statement on behalf of 47 countries in the UN Human Rights Council on the human rights situation in China, 14 June 2022, https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/59/SP/45168_55_9093417d_e296_42d6_a348_ff432b03cfe3.docx.