

NEWS FROM

LAWYERS' RIGHTS WATCH CANADA

By Catherine Morris*

LAWYERS IN DANGER: THREATS TO ADVOCATES WORLDWIDE

The independence and safety of lawyers are increasingly threatened around the world. Lawyers in too many countries are vilified, criminalized, imprisoned, threatened, attacked or murdered simply for doing their lawful work of upholding their clients' rights. In 2020, volunteers from Lawyers' Rights Watch Canada ("LRWC") are monitoring the situations of lawyers and other human rights defenders ("defenders") in dozens of countries.

Countries of major concern to LRWC in 2020 are China, Turkey, the Philippines, Colombia and Saudi Arabia. This year, LRWC volunteers have raised concerns, including at the UN Human Rights Council, about lawyers and defenders in these and other countries.¹ LRWC is also monitoring situations of lawyers in many other countries, including challenges to international human rights in North America.

LRWC increasingly engages with the UN human rights system through its UN consultative status received in 2005. LRWC also publishes numerous reports and manuals,² including a 2020 book, *Attacking Defenders: The Criminalization of Human Rights Advocacy*.³ LRWC, a volunteer-run organization, is launching a drive for memberships of Canadian lawyers to secure independent financial support for LRWC's work to meet the growing demand for LRWC experience developed over two decades.

INDEPENDENCE AND SAFETY OF LAWYERS UNDER THREAT: EXAMPLES

China: Lawyers and Defenders Arrested, Disappeared and Tortured

China claims to uphold the "rule of law", but its aggressive promotion of "human rights with Chinese characteristics" fails to conceal egregious and

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systematic human rights abuses, including surveillance, harassment, criminalization, enforced disappearance, unlawful detention and torture of dissidents, ethnic and religious minorities, activists and lawyers.⁴ The litany of violations includes disturbing allegations of mass atrocities.

China uses vague and overbroad laws to persecute lawyers, defenders and others in a legal system that contravenes fundamental principles of international human rights law. China has no independent judiciary, and once a person is charged, conviction is almost certain. Pre-charge incommunicado detention in secret locations with no access to lawyers is commonplace. Those detained are coerced or tortured into false confessions. Lawyers and other defenders are unable to raise their voices without endangering themselves and their families. As UN experts have cautioned, “the rule by law is not the rule of law.”⁵

Strong evidence indicates that Uyghur people in the Xinjiang Autonomous Region are being subjected to crimes against humanity. Some non-governmental organizations (“NGOs”) are pressing for recognition of the situation as genocide. Severe repression in Tibet continues unabated.⁶ Civil society initiatives have found compelling evidence of systematic, forced harvesting of organs of prisoners of conscience, including activists.⁷

China suppresses international criticism through economic and political bullying and propaganda. NGOs, including LRWC, continually seek China’s accountability,⁸ but China’s authorities deflect NGOs’ criticism by untruthfully claiming—even in the chamber of the UN Human Rights Council itself—that NGOs “deliberately distort the facts ... and accuse China baselessly.”⁹

Over the past year, LRWC has raised concerns about marked deterioration of the right of peaceful protest in the Hong Kong Special Administrative Region (“SAR”).¹⁰ On June 30, 2020 China bypassed Hong Kong’s legislature and approved a national security law that erodes Hong Kong’s autonomy and the rule of law.¹¹ Since then, authorities have arrested hundreds of dissidents under the new law.¹²

LRWC has been working with other organizations to join the June 2020 call of 50 UN experts for “decisive collective measures” to protect rights in China. The experts are seeking “renewed attention on the human rights situation in the country, particularly in light of the moves against the people of the Hong Kong SAR, minorities of the Xinjiang Autonomous Region, the Tibet Autonomous Region, and defenders across the country.”¹³

Turkey: Hundreds of Lawyers in Jail on False Charges with Unfair Trials

Human rights violations in Turkey have escalated to crisis proportions in the aftermath of an attempted coup in 2016. Thousands of people, including hundreds of lawyers and defenders, are imprisoned in Turkish prisons in

violation of the country's international human rights obligations.¹⁴ Lawyers are prosecuted, convicted and jailed for lawfully representing clients. In 2020, the situation has worsened as the COVID-19 pandemic puts wrongly imprisoned lawyers and defenders at increased risk. Turkey's release of 90,000 prisoners in April 2020 excluded an estimated 50,000 political prisoners, including lawyers and other human rights advocates.¹⁵ LRWC's monitors have responded with numerous letters and statements, often in collaboration with other international human rights organizations.

Two imprisoned lawyers, Ebru Timtik and Aytaç Ünsal, began fasting in early 2020 to strengthen their demand for release and fair trials for themselves and other jailed lawyers. As the months wore on and their health deteriorated, an international movement to support their cause—and save their lives—resulted in joint advocacy by hundreds of lawyers' organizations, including LRWC. The international advocacy failed to save Ebru Timtik's life. She died on August 27, 2020 after 238 days of fasting. Lawyers' organizations, including LRWC, publicly mourned her passing in a joint obituary published in Turkish newspapers. The full-page obituary included a list of 139 organizations from around the globe.¹⁶ Days later, on September 4, a Turkish Court ordered Aytaç Ünsal's release pending his recovery, and he stopped his hunger strike. The advocacy by local and international lawyers' organizations is credited for his release.

Philippines: Lawyers Regularly Assassinated with Impunity

At least 75 legal professionals, including lawyers, prosecutors, judges, court workers and paralegals have been murdered or have survived murderous attacks in the Philippines since July 2016 when President Rodrigo Duterte began his notorious "war on drugs".¹⁷ Hundreds of defenders have also been murdered. LRWC volunteers have regularly raised these concerns in letters and statements, often jointly with other organizations, including oral and written statements to the UN Human Rights Council. LRWC has been supporting calls by UN officials for further action.¹⁸

Colombia: A Perilous Place to Be a Human Rights Lawyer

Practising law is dangerous in Colombia. Lawyers are inadequately protected from threats and attacks.¹⁹ With other organizations, LRWC has expressed concern about risks faced by human rights lawyers. Risks have increased during the COVID-19 pandemic as lawyers have been more confined to their homes, making them—and their families—easier targets for attacks. Restrictions on movement during the pandemic have made it more difficult for lawyers to represent their clients, as many of the rural communities they represent have no access to the Internet. LRWC has joined a

number of NGOs with serious concerns about allegations of illegal surveillance by the Colombian state of at least 130 individuals, including human rights lawyers.²⁰

Saudi Arabia: Continued Crackdown Against Women's Human Rights Defenders

Saudi Arabia continues its persecution, harassment and intimidation of defenders, including women's human rights defenders, journalists and dissidents. Lawyer Waleed Abu al-Khair is among hundreds of defenders arbitrarily convicted, jailed, ill-treated and subjected to torture.²¹ LRWC has advocated for his release since 2014 when he was sentenced to 15 years in prison, a fine and a 15-year travel ban. LRWC led a petition to the UN Working Group on Arbitrary Detention ("WGAD"), which resulted in a 2018 WGAD opinion that his detention was unlawful. Mr. Abu al-Khair was the lawyer for Raif Badawi, a blogger sentenced in 2014 to ten years in prison, a ten-year travel ban and 1,000 lashes, of which 50 lashes have been meted out in violation of the Convention against Torture.²² LRWC is also advocating for release of women's human rights defenders, including Samar Badawi, who has been unlawfully detained in Saudi Arabia since July 2018.²³ Ms. Badawi is Abu al-Khair's former wife and Raif Badawi's sister.

United States: Threats Against the Independence of the International Criminal Court

LRWC has been monitoring the situation of human rights in the United States, including U.S. threats against the International Criminal Court ("ICC"). The U.S. government began threatening the ICC in 2018 following the November 2017 decision of the ICC prosecutor to seek the court's authorization for a formal investigation into war crimes committed in Afghanistan since 2003. In April 2019, the United States acted on its threats by revoking the visa of the ICC's chief prosecutor. LRWC wrote a series of letters expressing concern about U.S. reprisals.²⁴ In March 2020, the ICC authorized the investigation. In September 2020, the U.S. government designated the ICC chief prosecutor for sanctions.²⁵ Numerous countries, UN human rights experts and NGOs have denounced the U.S. actions as a threat to the ICC's independence.

United States and Canada: Systemic Racism and Attacks Against Legal Observers at Protests

In June 2020, LRWC joined human rights organizations around the world in expressing concern about systemic racism against Black people, people of colour and Indigenous peoples.²⁶ Joint advocacy by NGOs and African states led to a rare urgent debate at the UN Human Rights Council and a unanimous council resolution condemning police violence against Black

people and peaceful protestors and mandating a report by the UN High Commissioner for Human Rights. LRWC has been alarmed by violent suppression of primarily peaceful protests in the United States,²⁷ including targeted attacks against journalists and legal observers.²⁸ LRWC has also expressed concern about systemic racism in Canada, including threats of arrest and violence against peaceful Indigenous land rights defenders.²⁹

There is growing concern about electronic surveillance of defenders, particularly during the COVID-19 pandemic when online communications have become ubiquitous. LRWC recently raised concerns with U.S. Zoom Video Communications, Inc. about its cooperation with China's requests to suspend Chinese activist users in violation of their freedom of expression.³⁰

CHALLENGES: DEMAND FOR LRWC WORK REQUIRES INCREASED SUPPORT

Examples discussed in this article represent a fraction of LRWC's work.³¹ Increasingly, UN bodies, NGOs and victims of abuses welcome LRWC's input and expertise. This success is largely due to the vision and efforts of LRWC's founding executive director, Gail Davidson, from 2000 to May 2020.

Demand for LRWC's work now outstrips LRWC's capacity to respond. Committed to ensuring its independence, LRWC receives no government or corporate funding and relies entirely on membership fees and private charitable donations to cover the costs of its research, education and advocacy. While LRWC has no office space, and its monitors work pro bono, there are expenses. In addition to covering current costs of Internet, telephone and the like, LRWC needs additional funding for field research and work at the UN Human Rights Council and other UN and regional human rights bodies. LRWC needs substantially increased funding to employ full-time administrative staff.

With increased support through thousands of new memberships and donations from lawyers across Canada, LRWC could considerably enlarge the scope of its work to address the critical need for protection of the rule of law, the integrity of legal systems and the safety of lawyers around the world.

ENDNOTES

1. LRWC, "China, Turkey, Philippines, Saudi Arabia, Colombia: Duty of States to Ensure Protection of Lawyers | Oral Statement at the 44th Session of the Human Rights Council" (14 July 2020), online: <www.lrwc.org/duty-of-states-to-ensure-protection-of-lawyers-oral-statement-at-44th-session-of-the-of-the-human-rights-council>.
2. LRWC, "Know Your Rights | Index to Publications", online: <www.lrwc.org/library/know-your-rights-index>.
3. LRWC, *Attacking Defenders: The Criminalization of Human Rights Advocacy. A Guide to International Law Rights of Human Rights Defenders* (Vancouver: LRWC, 2020), online: <www.lrwc.org/attacking-defenders-the-criminalization-of-human-rights-advocacy>.
4. LRWC, "China: Immediately Release Arbitrarily Detained and Disappeared Lawyers and Activists" (letter) (10 January 2020), online: <www.lrwc.org/china-immediately-release-arbitrarily-detained>.

- and-disappeared-lawyers-and-activists-letter>; "China: Open Letter to the Ministry of Justice of the People's Republic of China and All China Lawyers Association" (letter) (December 2019), online: <www.lrwc.org/china-open-letter-to-the-ministry-of-justice-of-the-peoples-republic-of-china-and-all-china-lawyers-association-letter>.
5. UN Office of the High Commissioner for Human Rights, "China Urged to Disclose Location of Uyghur Academic Tashpolat Tiyip", *UN News* (26 December 2018), online: <www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25454&LangID=E>.
 6. Human Rights Watch, *China Events of 2019* (2020), online: <www.hrw.org/world-report/2020/country-chapters/china-and-tibet>.
 7. See International Coalition to End Transplant Abuse in China et al, "Seeking a UN Commission of Inquiry into Forced Organ Harvesting in China" (letter) (August 2019), online: <www.lrwc.org/china-seeking-a-un-commission-of-inquiry-into-forced-organ-harvesting-in-china-joint-letter>.
 8. *Supra* note 1.
 9. China, "Statement on Right of Reply, Interactive Dialogue: SR on Freedom of Expression, 44th Regular Session Human Rights Council" (10 July 2020), online: UN Web TV: <webtv.un.org/meetings-events/human-rights-council/watch/id-sr-on-freedom-of-expression-18th-meeting-44th-regular-session-human-rights-council/6170767721001#t=2h26m23s>. China's statement was in response to an oral statement by the International Service for Human Rights, joined by LRWC, "China: End Restrictions on Free Media and Lawyers | Joint Oral Statement at the 44th session of the UN Human Rights Council" (10 July 2020), online: <www.lrwc.org/china-end-restrictions-on-free-media-and-lawyers-joint-oral-statement-at-the-44th-session-of-the-un-human-rights-council>.
 10. See LRWC's work on Hong Kong SAR, online: <www.lrwc.org/category/publications/campaigns/countries/china-letters/hong-kong>.
 11. LRWC, "China's New 'National Security Law' Violates International Human Rights in Hong Kong" (1 July 2020), online: <www.lrwc.org/action-news-lrwc-newsletter-summer-2020/#Hong>.
 12. Human Rights Watch, "China/Hong Kong: Mass Arrests Under Security Law" (11 August 2020), online: <www.hrw.org/news/2020/08/11/china/hong-kong-mass-arrests-under-security-law>.
 13. UN Office of the High Commissioner for Human Rights, "UN Experts Call for Decisive Measures to Protect Fundamental Freedoms in China" (26 June 2020), online: <ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>.
 14. LRWC, "Turkey: International Law Obligations to Release Tamer Kiliç, Özlem Dalkiran, İdil Eser and Günel Kur un" (17 July 2020), online: <www.lrwc.org/ws/wp-content/uploads/2020/07/LRWC.Turkey.Kilic_20July2020.F.WEB-2.pdf>.
 15. LRWC, "Turkey: International Law Obligations to Release Lawyers and Others Illegally Imprisoned" (letter) (14 May 2020), online: <www.lrwc.org/turkey-international-law-obligations-to-release-lawyers-and-others-illegally-imprisoned-letter>.
 16. Lawyers for Lawyers et al, "Turkey: Obituary for Turkish Lawyer Ebru Timtuk" (2 September 2020), online: <www.lrwc.org/turkey-obituary-for-turkish-lawyer-ebru-timtuk-joint-statement>.
 17. LRWC & Asian Legal Resource Centre, "Acceleration of Extra-Judicial Killings of Jurists in the Philippines | Written Statement to the 44th Session of the UN Human Rights Council, A/HRC/44/NGO/8" (16 June 2020), online: <www.lrwc.org/un-human-rights-council-acceleration-of-extra-judicial-killings-of-jurists-in-the-philippines-written-joint-statement-to-the-44th-session-of-the-un-human-rights-council>.
 18. UN Office of the High Commissioner for Human Rights, "Philippines: UN Human Rights Experts Renew Call for an On-the-Ground Independent, Impartial Investigation" (25 June 2020), online: <www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>.
 19. Colombia Caravana et al, "Colombia: Lawyers at Risk and Support for Judicial Independence" (letter) (1 September 2020), online: <www.lrwc.org/colombia-lawyers-at-risk-and-support-for-judicial-independence-joint-letter>; International Caravana of Jurists, *Colombia: Seeking Justice, Building Peace and Post-Conflict Illusion: Report of the Sixth International Caravana of Jurists 2018* (March 2019), online: Union Internationale de Avocats <www.uianet.org/sites/default/files/report_colombian_caravana_6th_delegation.pdf>.
 20. Colombia Caravana et al, "Colombia: Allegations of Illegal Surveillance Against Lawyers and Other Human Rights Defenders" (letter) (23 July 2020), online: <www.lrwc.org/colombia-allegations-of-illegal-surveillance-against-lawyers-and-other-human-rights-defenders-joint-letter>.
 21. LRWC & Raoul Wallenberg Centre for Human Rights, "Saudi Arabia: Unconditionally Free Waleed Abu al-Khair Immediately" (letter) (14 January 2020), online: <www.lrwc.org/saudi-arabia-unconditionally-free-waleed-abu-al-khair-immediately-letter>.
 22. LRWC, "Saudi Arabia: Raif Badawi – Arbitrary Detention and Illegal Treatment" (letter) (30 June 2015), online: LRWC <<https://www.lrwc.org/saudi-arabia-raif-badawi-arbitrary-detention-and-illegal-treatment-letter/>>.
 23. LRWC & Raoul Wallenberg Centre for Human Rights, "Saudi Arabia: Arbitrary Arrest and Forcible Disappearance of Samar Badawi, Petition to the UN Working Group on Arbitrary Detention" (23 August 2019), online: LRWC <www.lrwc.org/saudi-arabia-arbitrary-arrest-and-forcible-disappearance-of-samar-badawi-wgeid-complaints>.
 24. LRWC, "Stop US Threats Against the International Criminal Court and Its Prosecutor" (press release)

- (16 April 2019), online: <www.lrwc.org/stop-us-threats-against-the-international-criminal-court-and-its-prosecutor-press-release>.
25. Human Rights Watch, "US Sanctions International Criminal Court Prosecutor: Trump Administration's Action Tries to Block Justice for World's Worst Crimes" (2 September 2020), online: <www.hrw.org/news/2020/09/02/us-sanctions-international-criminal-court-prosecutor>.
 26. Catherine Morris, "Reflections on the 19 June 2020 UN Human Rights Council Resolution on Systemic Racism, Police Brutality, and Unlawful Suppression of Peaceful Protest" (23 June 2020), online: <www.lrwc.org/reflections-on-the-19-june-2020-un-human-rights-council-resolution-on-systemic-racism-police-brutality-and-unlawful-suppression-of-peaceful-protest-publication>. Originally published on Slaw.ca: <www.slaw.ca/2020/06/23/you-are-your-brothers-and-sisters-keepers-now-is-the-time-to-move-from-words-to-deeds>.
 27. Armed Conflict Location & Event Data Project, "Demonstrations and Political Violence in America: New Data for Summer 2020" (September 2020), online: <acleddata.com/acleddatanew/wp-content/uploads/2020/09/ACLED_USDataReview_Sum2020_SeptWebPDF.pdf>.
 28. *Ibid.*
 29. Gail Davidson & Heather Neun, "Canada: International Law Obligations to Suspend Construction of Pipeline and Stop Use of Force Against Wet'suwet'en" (17 March 2020), online: <www.lrwc.org/ws/wp-content/uploads/2020/03/LRWC.Legal_obligation_to_suspend.CoastalGasLink.17.03.20.F.pdf>. See also *supra* note 27.
 30. LRWC, "Zoom's Suspension of Chinese Activists' Accounts Violates International Human Rights" (letter) (17 July 2020), online: <www.lrwc.org/lawyers-rights-group-calls-on-zoom-to-respect-freedom-of-expression-letter>.
 31. LRWC, *Annual Report* (2019), online: <www.lrwc.org/ws/wp-content/uploads/2020/05/2019-Annual-Report-Lawyers-Rights-Watch-Canada.pdf>.

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