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Speaker: Ms. Adrie van de Streek

Oral Statement to the 26th Session of the UN Human Rights Council from Lawyers for Lawyers (L4L), Lawyers' Rights Watch Canada (LRWC) & Asian Legal Resource Centre (ALRC) NGOs in special consultative status

Wrongful prosecutions of lawyers

Lawyers for Lawyers (L4L), Lawyers' Rights Watch Canada (LRWC), and the Asian Legal Resource Centre (ALRC) thank the Special Rapporteur on the independence of judges and lawyers for her contributions in 2013 and 2014 and for her report to the Council.[1] We share all concerns raised, including concerns about lawyers prosecuted and imprisoned for discharging their functions in sensitive and political cases.[2]

At least thirteen lawyers in Iran have been subjected to politically motivated prosecutions[3], imprisonment and to losing their licenses solely for exercising protected freedoms of expression and association and for carrying out their legitimate legal work.[4] Several lawyers wrongly deprived of liberty have also been denied access to medical attention and to lawyers. All of this violates the UN Basic Principles on the Role of Lawyers that directs Governments to ensure that lawyers may perform their professional functions without intimidation, hindrance, harassment or improper interference[5].

In Turkey many lawyers have been prosecuted for purposes of silencing them, preventing criticisms of state laws and policies or obstructing their ability to provide specific clients full and fair legal representation. These prosecutions and trials clearly constitute an abuse of legal proceedings.

In Russia lawyers are targeted for discharging their professional functions, especially lawyers involved in politically sensitive cases or in the context of terrorism and counter-terrorism activities. The impunity surrounding acts of harassment have a strong chilling effect on lawyers.

These are just three examples of the many States generating the daunting number of cases brought to the attention of the Special Rapporteur. We join the Special Rapporteur in urging States to immediately refrain from prosecuting or disbarring lawyers for the purposes of silencing them in their performing professional functions.[6]

The Council must take action to ensure that States protect and ensure safe and enabling environments for human rights lawyers, without undue interference and, specifically, an end to harassment with impunity.

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1 Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, A/HRC/26/32/Add.1, 28 April 2014.
2 Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, A/HRC/26/32/Add.1, 28 April 2014, par. 68.
3 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Mr. Ahmed Shaheed, A/HRC/22/56, 28 February 2013. Paragraph 23 of this report states that the Special Rapporteur is alarmed by the reports of Government action targeting lawyers.
4 These lawyers include Abdolfattah Soltani, Afshin Karampour, Amir Eslami, Mustafa Daneshju, Omid Behrouzi, Farshid Yadollahi, Hassan Sarchahi, Javid Houtan Kian, Kambiz Norouzi, Mohammed Seyfzadeh, Mohammed Ali Dadkhah, Nasrin Sotoudeh, Hemid Valai.
5 Art 16 Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
6 Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, A/HRC/26/32/Add.1, 28 April 2014, par. 68

Thank you.