

Professor Mary Lawlor
UN Special Rapporteur on Human Rights Defenders
By email only: defenders@ohchr.org

05 February 2021

Dear Professor Lawlor,

The right to counsel is one of the basic constituent elements of the right to a fair trial as enshrined in Article 10 of the Universal Declaration of Human Rights, and Article 6 of the European Convention on Human Rights.

Despite this, legal representatives around the world, particularly those representing individuals accused of politically motivated violence, are routinely harassed and vilified by the press, threatened by the public, and intimidated, incarcerated, and assassinated by the state and its agents.

Whilst much publicity is given to the policies of autocratic regimes, scant mention is made of the pernicious actions of so-called democratic states in the developed world.

For example, last year, UK Home Secretary Priti Patel, openly supported by the British Prime Minister and sections of the media, repeatedly criticised human rights lawyers challenging the government's decisions to remove asylum seekers. She labelled them 'activist lawyers' and 'lefty lawyers' and equated them with human traffickers.

Following an attack on a well-known human rights law firm in the wake of Patel's comments, we are increasingly concerned about the safety of civil liberties lawyers being compromised by such inciteful rhetoric.

We are conscious of the unduly alarmist charge that surfaces when such points are made, so we highlight only one example from recent history in the UK context to illustrate how political attacks can lead to tragic consequences. The shocking assassination of Irish criminal defence lawyer Patrick Finucane in 1989 remains a vivid memory for many of us, particularly as his murder followed similarly hostile comments from the then Home Office minister who claimed that a number of lawyers in Northern Ireland were unduly sympathetic with the cause of the IRA.

More recently, Indian defence lawyer Shahid Azmi, who acquired a reputation for representing individuals facing allegations of terrorism, was murdered in his office following a lengthy campaign of intimidation.

In Kashmir, the ongoing detention of Mian Abdul Qayoom, president of the Jammu and Kashmir High Court Bar Association, despite being in his 70s, having suffered a heart attack and now having to use a wheelchair, is likely politically motivated. He is being detained under the very act his work was dedicated to challenging, an act that allows a person to be detained for two years without trial.

In the US, civil rights attorneys such as Lynne Stewart and Stanley Cohen (a signatory to this letter) were maligned in the media, subjected to censure by state officials and finally prosecuted under what appeared to be politically motivated charges. The manner in which they were singled out for such treatment was clearly linked to the cases they took on, and the nature of the offences of which their clients were accused.

Additionally, we are seeing banning orders extended to lawyers, where states have refused to allow them to enter to consult with clients or to lecture, Israel being among the most active in this.

It is not just members of the legal profession who have been the subject of state intimidation and censure. Organisations that challenge the infrastructure of authoritarian laws, such as CAGE in the UK, CCIF in France and CAIR in the USA have been vilified by state institutions and politicians because they seek to represent those deemed 'undesirable', and to hold governments to account for discriminatory laws and violations of the rule of law.

As examples, in recent years CAGE has been attacked by former Prime Ministers such as Tony Blair and David Cameron, had its bank accounts closed, its license to employ foreign nationals revoked, and its directors harassed and intimidated.

Last year, the Collective against Islamophobia in France (CCIF) was shut down by the government despite no evidence of wrongdoing being established by authorities. In the US, the CAIR and the ACLU have documented the rise in governmental hostility towards Muslims there.

We are conscious that the sole reason that lawyers and human rights defenders are targeted in this way is because of state animosity towards the clients they represent. The intention behind the campaigns of harassment is no doubt to deter legal representation for such clients, thereby removing the final layer of protection available to them from the excesses of the state.

Lawyers defending basic rights must be protected irrespective of where they practice. It is essential that they are enabled to execute their duties free from intimidation so they can fulfil their clients' rights to a fair trial, as well as challenge unjust laws, thereby facilitating a robust society where the courtroom is safe from injustice.

We kindly request a meeting with you to discuss these concerns further.

Yours sincerely,

1. Michael Finucane, Solicitor and Commissioner of the Irish Human Rights & Equality Commission, Ireland.
2. Aamer Anwar, Solicitor, Aamer Anwar & Co Solicitors & Notaries, Scotland.
3. Stanley L. Cohen, Attorney, Stanley Cohen and Associates, USA
4. Fahad Ansari, Consultant, Director, Riverway Law, UK
5. Attiq Malik, Solicitor, Liberty Law Solicitors, UK
6. Habeel Iqbal, Lawyer, Kashmir

7. Professor Bill Bowring, Birkbeck College; Haldane Society of Socialist Lawyers, UK
8. David Gottlieb, Junior practitioner and trial lawyer, UK
9. Nadia Akhtar, Solicitor, Muslim Lawyers Action Group, UK
10. Feroze Boda, Advocate, Muslim Lawyers Association, South Africa
11. Zoe Nicola, Associate Solicitor, GSG Law, UK
12. Nadeem Mahomed, Attorney, MLA, South Africa
13. Afzal Mosam SC, Senior Counsel, Maisels Chambers, South Africa
14. Ghulam Humayun, Solicitor, LP Evans, UK
15. Faysal Yaqoob, Solicitor, UK
16. Ben Cartwright, Solicitor. Duncan Lewis Solicitors, UK
17. Haley Duschinski, Associate Professor, Center for Law, Justice & Culture, Ohio University, USA
18. Mohammed Fiaz, Partner, West Midlands Solicitors, UK
19. Adeela Firdous, Law and Advocacy Officer, Center for Equity Studies, Kashmir
20. Mirza Saaib Bég, Student, Blavatnik school of Government, University of Oxford, UK
21. Kenneth J. Montgomery, Federal and State Criminal Defense Attorney and Fordham Law School Professor, Law Office of Kenneth J. Montgomery, USA
22. Glenn Kato, Attorney, Katon Law, USA
23. Alan Mills, Attorney, Uptown People's Law Center, USA
24. James D. Diamond, Dean of Academic Affairs and Adjunct Professor of Law, National Tribal Trial College and Roger Williams University, USA
25. Tamar Birckhead, Attorney, USA
26. Abdul Basit Wani, Lawyer, Kashmir
27. Ghazi Abbas, Solicitor, Knightsbridge Solicitors, UK
28. Salman Khan, Human Rights Activist, Kashmir Global Movement and Kashmir Centre for African Union, South Africa
29. Gavin Booth, Lawyer, Phoenix Law, Ireland
30. Nabeela Moola, Attorney, N Moola Incorporated, South Africa
31. Yousha Tayob, Attorney, South Africa
32. Bart Ford, Advocate, South African Bar Association, South Africa
33. Nobahle Raji, Barrister, Johannesburg Bar, South Africa
34. Racquel Nxumalo, Advocate, Johannesburg Society of Advocates, South Africa
35. Muhammad Saloojee, Attorney, Tax Lexicon, South Africa
36. Emraan Vawdam, Advocate, National Bar Council of South Africa, South Africa
37. Selvan Naidoo, Attorney, South Africa
38. Feisal Saint, Advocate, South Africa
39. Tasneem Moosa, Attorney, Tasneem Moosa Inc, South Africa
40. Mohammed Sali, Attorney, Muslim Lawyers Association, South Africa
41. Azril Mohd Amin, Advocate & Solicitor, Centre for Human Rights Research & Advocacy (CENTHRA), Malaysia
42. Jay Leiderman, Attorney, Jay Leiderman Law, USA
43. Toufique Hossain, Director of Public Law, Duncan Lewis (UK)
44. Maryam Jamshidi, Professor, University of Florida, Levin College of Law (USA)
45. Gideon Orion Oliver, Attorney (USA)