

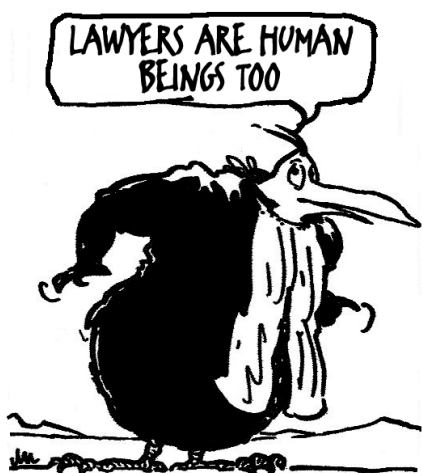
**ADVOCATEN VOOR ADVOCATEN**

**L4L**

**LAWYERS FOR LAWYERS**

**ANNUAL REPORT ON ACTIVITIES 2009**

L4L is an independent and non-political Dutch foundation that tries to promote the well-functioning of the law by pursuing a free and independent legal practice. Our activities are aimed at supporting lawyers worldwide who are intimidated, threatened or oppressed.



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For more information on Lawyers for Lawyers visit our website [www.advocatenvooradvocaten.nl](http://www.advocatenvooradvocaten.nl). There you can read how to become a donor. Bank account: ABN AMRO 48.99.38.655, Stichting Advocaten voor Advocaten, Amsterdam.

# I INTRODUCTION

## Background

**Lawyers for lawyers** (L4L) is an independent Dutch foundation with the status of an Institution for the Promotion of the Public Interest. L4L was established in 1986 at the initiative of the Professional Lawyers for *Amnesty International* Netherlands with support from the Dutch Bar Association, the Dutch Legal Committee for Human Rights (NJCM), and the Study and Information Center Human Rights (SIM).

## Objectives

In conformity with international law and the Universal Declaration of Human Rights, the *Basic Principles on the Role of Lawyers* and the *Declaration on Human Rights Defenders* of the United Nations, L4L has committed itself to enable lawyers to practice law freely and independently.

## Approach

L4L provides financial, moral and legal support to oppressed lawyers and lawyer's organisations. We provide such support by drawing the attention of

international legal and political institutions and organisations, and the relevant authorities of the country in which the particular lawyer is based, to the position of threatened lawyers throughout the world. We also organise fact-finding or observation missions and letter-writing campaigns. Whenever appropriate, we mobilise lawyers to provide legal assistance to oppressed lawyers. We also participate in workshops, seminars and conferences regarding the position of threatened and obstructed lawyers, or we support the organising thereof. In addition, we write a regular column in the *Advocatenblad*, and also publications in other magazines of the legal profession in the Netherlands.

## Organisation

L4L has directors consisting of (former) lawyers and human rights specialists. The day-to-day work is conducted by a managing director.

## Financing

Since L4L is a foundation, it does not have any members. For its income, the foundation depends entirely on contributions. Our supporters are mostly individual lawyers, law firms and lawyers' organisations.

## II ACTIONS FOR LAWYERS IN 2009

L4L aims to adjust its support to the specific needs of the lawyer or organisation involved in as much as this is possible. In 2009 once again many lawyers were obstructed or threatened whilst carrying out their work. We took action for lawyers in countries including Burma, Cambodia, Colombia, China, The Philippines, Guatemala, Iran, Kenya, Lebanon, Morocco, Mexico, Pakistan, Peru, The Russian Federation, Sudan, Sri Lanka, Syria, Tunisia, Vietnam and Zimbabwe.

### Overview per country

#### Burma

**U Aung Thein** and **U Khin Maung Shein** had both been lawyers for more than 20 years with excellent records, when in November 2008 they were sentenced to a 4-month jail sentence on improper grounds for ‘*contempt of court*’ and subsequently had their lawyer’s licences revoked. In 2008, U Aung Thein and U Khin Maung Shein had tried many criminal cases that arose from the mass demonstrations in Burma in 2007, when thousands of people took to the streets to demonstrate against the military regime and march for democracy. These were the largest protests in twenty years. In one of these criminal cases, the accused informed the judges during trial that he and his co-accused no longer believed they would receive a fair trial and therefore would no longer co-operate in the criminal case. This also meant that they no longer wished to be represented by a lawyer. In order to effect this, a statement was submitted to the judge at the next session, confirming that the accused were relieving their lawyers, U Aung Thein and U Khin Maung Shein, of their duties. The withdrawal of their mandate was submitted by U Aung Thein and U Khin Maung Shein, and was read and signed by the clients (the accused) during trial. The judge then declared that no such statement had been made that the accused believed they would not get a fair trial. U Aung Thein and U Khin Maung Shein were accused of concocting this themselves and were, therefore, guilty of ‘*contempt of court*’. After completing their jail sentence in March 2009, U Aung Thein and U

Khin Maung Shein returned to work. On 15 May 2009, they received notification that their lawyer’s licences had been revoked for breaching the rules of conduct. The proceedings that must be observed under Burmese law before a lawyer’s licence can be revoked were completely disregarded. U Aung Thein and U Khin Maung Shein were not allowed to attend the sessions in their own case and were not given the opportunity to defend themselves. Aung Thein and U Khin Maung Shein have not been able to practice law since then. L4L has provided financial support in order for them to keep their law firm open and to proceed with their work via their colleagues.

#### Cambodia

**Kong Sam Onn** represents the interests of (members of) the largest opposition political party in Cambodia, the Sam Rainsy Party (SRP) and he regularly acted in lawsuits against the Cambodian People’s Party (CPP), the governing party of Prime Minister Hun Sen. In April 2009 Kong Sam Onn represented a parliamentarian from the SRP, Mo Sochua, in libel proceedings against the prime minister, Hu Sen. Mo Sochua commenced these proceedings because the prime minister had made offensive remarks about her in public and refused to apologise for this. In response, the Prime Minister filed a counter-complaint against Mo Sochua for libel. Mo Sochua’s parliamentary immunity has since been lifted. The Prime Minister has also filed a complaint against Sam Onn himself with the Bar Association of the Kingdom of Cambodia. According to the Prime Minister, Kong Sam Onn had made offensive remarks about him during a press conference on 23 April 2009 at which Mo Sochua and Kong Sam Onn announced their proceedings against the Prime Minister. If the Bar had admitted the complaint, the Prime Minister could have had Kong Sam Onn charged and placed on trial for defamation. On 18 June 2009, the Bar concluded that Kong Sam Onn had violated his professional ethics as a lawyer. Kong Sam Onn faced the possibility of being stricken off the register of lawyers as a result. He was also subject to criminal prosecution. On 7 July 2009 Kong Sam Onn was



to be given the opportunity to express his views on the findings to the Bar Association. On that date, however, Prime Minister Hun Sen announced that he had received a letter from Kong Sam Onn in which he already offered his apologies to the Prime Minister and informed him that he no longer represented Mu Sochua. The Prime Minister consequently decided to withdraw his complaint against Kong Sam Onn with the Bar Association. Any further criminal prosecution against him was also abandoned. Mo Sochua confirmed that Kong Sam Onn had dropped her case, but that she did not blame him as he could not have acted otherwise due to the political pressure exerted on him. L4L initiated a letter-writing campaign for him.

## China

Ominous stories emerged from China again in 2009. Lawyer **Huang Qi** was sentenced to three years imprisonment on 23 November 2009 for the illegal possession of state secrets. Human rights organisations, including L4L, have concluded that Huang Qi's conviction is connected with his work for relatives of the earthquake victims in Sichuan in May 2008. This matter turned out to be extremely delicate and resulted in the withdrawal of several lawyers' licences. L4L considers Huang Qi's conviction as an attempt by the Chinese authorities to frustrate his legitimate activities as a lawyer.



Another case involves the Chinese human rights lawyer **Wang Yonghang**. On 4 July 2009, twenty plain clothes police broke into his office and took him and his wife to a detention centre.

The police also searched their home and confiscated a computer, a camera, a printer and several books. His wife was released the next day, but Wang was transferred to another place of detention. On July 6 it transpired that Wang was being held at the Police Detention Centre in Dalian, a town in north-eastern China. When his lawyers requested to meet with their client on July 14th, their request was rejected. In Dalian, his wife learned that Wang was detained on suspicion of violating Article 300 of the Penal Code, which deals with 'superstitious sects, secret societies

and evil religious organizations'. This article has been applied frequently to imprison members of Falun Gong, a sect that is outlawed in China. Wang has frequently acted as legal counsel of Falun Gong members. In December 2009 he was sentenced to seven years imprisonment.

In January 2009, the lawyer **Gao Zhisheng** disappeared. He had been a target of the authorities for several years because of his work for human rights, in particular his criticism of the persecu-



tion of Christians and members of Falun Gong. His whereabouts remain unknown. According to reports he was seen at the end of June or the beginning of July accompanied by a number of security men. Human rights organisations fear that he may have been beaten and tortured.

Another area of concern is the licensing system that applies for lawyers. In order to practice as a lawyer, lawyers must renew their licences annually. However, renewals are granted on the basis of an oral decision, against which no appeals are allowed. Moreover, the licences are issued by a government body, which has also refused licences on political grounds on several occasions. Lawyers that handle politically sensitive matters, such as cases related to the powdered milk scandal, the earthquake in Sichuan, Falun Gong and Tibetan issues, have become victims of this. We were informed that in 2009 this effected dozens of lawyers in Beijing alone. Three of them had their licences later extended. On several occasions, L4L has spoken to Chinese lawyers with whom they have come into contact via Amnesty International.

## Colombia



The Colombian lawyer **Jorge Molano** became the victim of threats and intimidation in 2009. This was probably related to his work as a lawyer. Molano provides legal assistance to various

human rights organisations. He also assists various people in cases where human rights organisations and defenders have been spied on by national security agencies and in cases involving extrajudicial executions. The lawyer's cell phone has been tapped for some time (most likely by the national security agency). His office is also being watched and he receives threats via the Internet. One of those threats was as follows: "We want to make clear that if anything happens to us or our relatives, we hold the judge and her assistant the lawyer Jorge Molano accountable. May our blood pour on them". This message was apparently sent by a former member of the national army.

L4L has been advised, via Colombian human rights organisations and Amnesty International, that the international letter-writing campaigns for Jorge Molano, organised inter alia by Amnesty, have had a positive effect and that (for the time being) the threats have ceased. Nevertheless, L4L was requested by various human rights organisations to continue the letter-writing campaign at the end of 2009, because Jorge Molano was due to act in a number of politically sensitive cases in the first weeks of January 2010 and was, as a result, under considerable pressure.



On 6 November 2009, L4L had a meeting with **Eduardo Carreño** of the José Alvear Restrepo lawyers' collective, and **Agustín Jimenez** of the *Committee for Solidarity with Political Prisoners*

(CSPP). L4L discussed the effectiveness of the letter-writing campaigns, the role of lawyers in Colombian society and specific threats to lawyers in Colombia. In October 2009 a meeting took place between Peace Brigades International and L4L on possible forms of co-operation, specifically regarding South and Central America.

## Guatemala

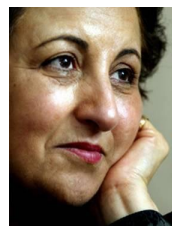
On the night of 18 October 2009 the lawyer **Fausto Otzin** disappeared in San Juan Comalapa, Chimaltenango. After an investigation he was found with serious injuries near his home a day later. He had been repeat-

edly stabbed in his face with machetes and had sustained several jabs in his back. He died from his injuries shortly after. The murder of Otzín came after a number of anonymous threats against him. As a lawyer, the 32 year old Otzín had acted in support of the rights of the indigenous Maya population in Guatemala. As such, he was the first Director of the Society of Maya Lawyers, and he participated in the setting up of the Institute for the Rights of Indigenous People in Guatemala. Furthermore, for some time, he had provided legal assistance to opponents of a large cement factory planned to be built in a Mayan area.

It is not the first time that lawyers from an indigenous background have been threatened and attacked in Guatemala. Other lawyers associated with the Institute for the Rights of Indigenous People have been threatened on several occasions. The public prosecutor attempted to prosecute the Institute in 2008 because they were alleged to have "masterminded" an attempted murder. Also, the peaceful efforts of leaders of indigenous communities against the establishment of the cement factory, in the context of which Otzín provided the aforementioned legal advice, led to 40 arrests. L4L has organised numerous letter-writing campaigns in previous years in support of lawyers that advocate the rights of the Maya-population.

## Iran

2009 was a turbulent year for many Iranians, none more so than for lawyers. The office of **Shirin Ebadi**, the Nobel



Prize winner for peace in 2003, was plastered with slogans by demonstrators on 1 January 2009. Ten days earlier, her office was shut down by the authorities. The reason given was that she did not have the required licences. Ebadi's organisation, the

*Defenders of Human Rights Centre* (DHRC), had planned an activity that very day as part of the 60th anniversary of the Universal Declaration of Human Rights. On 29 December 2008 her law firm was searched by two security officers in plain clothes, who confiscated two computers, her personal files and the files of her clients. The intimidation that Ebadi was subjected to appears to result from meetings and appointments with

the *International Federation for Human Rights* (FIDH), the Secretary-General of the UN, the High Commissioner for Human Rights and a number of top EU officials.

However, the position of lawyers came under the most pressure in the summer. The mass protests that broke out after the elections on 12 June 2009 and the repression that followed impacted many lawyers.



One of them was **Abdolfattah Soltani**, a human rights lawyer in Tehran and one of the founders of the Defenders of Human Rights Centre (DHRC). On 16 June 2009, in the aftermath of the elections, he was arrested

without explanation. Although Mr. Soltani was released on bail at the end of August 2009 he is still encountering considerable interference from the authorities. On 2 October 2009, the Iranian authorities confiscated his passport just as he was about to travel to Germany to receive the Nuremberg International Human Rights Award.

On 25 June, human rights lawyer **Mohammed Mostafaei** was arrested. He had campaigned against the death penalty for people who had been convicted for crimes they had committed when they were minors. Mostafaei was accused of plotting against the security of the government and making propaganda against the regime. After paying bail equivalent to USD 100,000 he was released after seven days. L4L organised a number of letter-writing campaigns for both Soltani and Mostafaei.

Lawyer and women's rights activist **Shadi Sadr** was arrested during the riots following the presidential elections of 12 June 2009 and held in prison for 11 days. On 9 November 2009, she received the Dutch Tulip for Human Rights, the human rights prize of the Dutch government, in The Hague from the Minister of Foreign Affairs, Maxime Verhagen. As a lawyer, journalist and investigator, Shadi Sadr has diligently fought for the rights of women



in Iran. "*Shadi Sadr receives the Human Rights Tulip for her outstanding courage, firmness and work in a climate of very critical and repeated violations of human rights*", said Minister Verhagen (Foreign Affairs).

## Kenya



On 5 March 2009 human rights lawyer **Oscar Kingara** was shot dead in the centre of Nairobi. Kingara, and the Oscar Foundation Free Legal Aid Clinic he founded, campaigned against extrajudicial murders by the

Kenyan police. The foundation is a registered charity that gives free legal advice to poor Kenyans. He published a report in 2008 accusing the Kenyan police of killing or torturing at least 8,040 young Kenyans since 2002. Those involved were members of the Mungiki sect, a political religious group banned in Kenya. The car in which Kingara and his colleague were travelling was surrounded and they were shot dead in the car. According to an eyewitness, the driver of the car was wearing a police uniform. Hours before the attack, a government spokesman had berated Mr. Kingara publicly for allegedly helping a criminal gang. The UN Special Rapporteur on Extrajudicial Killings, Philip Alston, said it was "extremely alarming that people who stand up for human rights in Kenya, could be killed in broad daylight in Nairobi." L4L has demanded an independent investigation in a letter-writing campaign.

## Lebanon



L4L's focus in Lebanon is primarily on **Muhamad Mugarby**, a prominent lawyer and human rights activist in Beirut. Because of his human rights work (mainly pro bono) which he combined with his international trade law, Mugarby has come under fire

from the Syrian occupying forces, the Lebanese authorities and even his own bar association since the early 1990s. Following a positive court judgment in November 2008, Muhamad Mugarby was acquitted of the charge of 'contempt of the functioning of the State'. However, a new period of repression started and on 27

July 2009 he instituted legal proceedings against the EU at the European Court of Justice in Luxemburg with the support of L4L lawyers Jeroen Regouw and Leo Spigt, who are part of the Lebanon focus group. According to his lawyers he invoked the EU's obligations under Article 2 of the Association Agreement with Lebanon, commonly known as the "human rights clause", in order to improve the human rights situation in Lebanon.

## Morocco



L4L has focused on the case of the Moroccan lawyer **Abdellatif Kanjaa** for many years. In January 2007, Kanjaa was struck from the register after he, in collaboration with two others, published a letter in which he criticised corruption in the

judiciary in Morocco, in particular at the Court of Appeal in Tetouan. Because of this, Kanjaa was accused of 'contempt of the judiciary', after which he was no longer permitted to practice as a lawyer. The current affairs programmes 'NOVA' and 'Dichtbij Nederland' featured reports on his fate in April 2009. L4L Managing Director Adrie van de Streek and member of the Lower House Khadija Arib contributed to the broadcast of 'Dichtbij Nederland'. On 24 April 2009, a representative of the Moroccan focus-group of L4L visited Kanjaa in Morocco and offered L4L's help. Subsequently, the Moroccan focus-group investigated what measures could be taken. On 29 October 2009 the Court of Appeal in Tetouan declared that Kanjaa must be allowed to practice his profession as a lawyer. Kanjaa informed us that he was permitted to practice as a lawyer again and thanked everyone, including L4L, for their support and help.

## Pakistan

In 2009, an end appears to have come to the tumultuous period for lawyers and judges in Pakistan, which had started on 3 November 2007 when the then president Musharraf declared a national state of emergency by declaring the constitution inoperative. Enabled by the state of emergency Musharraf replaced a number of Supreme Court judges that he did not like



which enabled him to place lawyers and judges under house arrest. This led to an enormous protest movement against military rule, in which Pakistani lawyers and judges played a crucial

role. The movement was successful: in March 2009 **Iftikhar Chaudry**, who had been forced to resign, was reinstated as President of the Pakistan Supreme Court. On 31 July 2009, the Supreme Court nullified the declaration of the state of emergency and the dismissal of 61 judges. The court concluded that the removal of Chaudry as President of the Pakistan Supreme Court was unconstitutional. As a result the subsequent appointment by the "new" Chief Justice, Abdul Dogar, was declared void. In addition to nullifying the replacement of the judges, the Supreme Court also nullified the decrees that Musharraf had issued in November and December 2007. The Dutch Human Rights Platform Pakistan, of which L4L is a member, meets regularly to monitor the situation in Pakistan and to exchange information. The Platform congratulated the Pakistan Lawyer's Movement on the victory. In the autumn, the Dutch Human Rights Platform Pakistan, including L4L, provided extensive information to the human rights ambassador prior to his visit to Pakistan.

## Peru

News came from Peru that the lawyer **Santos Octavio Esparza Villalobos** was being prosecuted because the public prosecution service was holding him responsible for a road blockade in Puente la Quebrada. The leaders of the road blockade, which had been erected in protest against new legislation allowing foreign investors to refine oil in the Bagua region, had asked Villalobos to mediate between them and the police. The dialogue set up by him ensured that no one was arrested. Some time later he was charged with being responsible for the road blockade by the Public Prosecutor of the Bagua division. It was feared that this prosecution was related to the work he had done earlier for the indigenous population in the field of human rights.

## Philippines



In November 2008, several members of the Lawyers for Lawyers (L4L) participated in a mission from Belgium and the Netherlands, investigating extrajudicial killings of lawyers and

judges. The *International Verification and Fact Finding Mission* (IVFFM) was a follow-up to a L4L mission to the Philippines in June 2006. The first mission confirmed the suspicion that Philippine lawyers and judges were being threatened on a large scale because of their work. In the period 2001 to June 2006 at least 15 lawyers and 10 judges were murdered, presumably due to their work as respectively lawyers or judges. After the 2006 mission, the Philippine government repeatedly declared that it would ruthlessly tackle the problem of extrajudicial executions and that governmental measures would lead to a dramatic reduction in the number of murders. Various international and Philippine civilian organisations concluded that although there was a decrease in the number of murders, the situation had not structurally improved. Large groups of people, including lawyers and judges, were still being threatened and murdered, while the perpetrators went unpunished. The principle aim of the IVFFM was therefore to investigate the effectiveness of the alleged measures by the government and to examine whether these had resulted in an improved position for lawyers and judges. The IVFFM also investigated the status of police investigations and the prosecution and trial of the perpetrators. On 4 June 2009, L4L published the report of the IVFFM entitled *'The Measures Measured'*. It emerged from the report that lawyers and judges in the Philippines are still being threatened and intimidated on a large scale. Also, they continue to live in fear of their lives. In 2007 and 2008 at least nine lawyers and four judges were killed. According to the IVFFM, whilst the Philippine government acknowledges that the work-related murders of lawyers and judges are a serious problem, this has not resulted in any substantial and preventive measures to adequately protect lawyers and judges. The report of the IVFFM has been circulated on a wide scale worldwide. During private meetings, L4L has also brought the content of the report to the attention of

representatives of the United Nations, the International Bar Association, the Dutch national and local bar associations, the Dutch human rights ambassador A. Hamburger and members of the Dutch Lower House. The Dutch Ministry of Foreign Affairs and Supreme Court have complimented the IVFFM report. The report can be downloaded from the website of L4L. A documentary film about its fact-finding mission to the Philippines has also been made. The documentary is in two parts and can be viewed here (part 1) and here (part 2). L4L continues to closely monitor the situation in the Philippines.

On 23 November 2009, 57 people were brutally murdered on the island of Mindanao by leaders of a political clan. The victims were escorting the wife of a political candidate, who planned to run for the office of governor in the May 2010 elections. The victims



included two lawyers: **Cynthia Oquendo** and **Concepcion 'Connie' Brizuela**. Brizuela was a L4L contact during the investigation mission in 2008. The authorities in the Philippines

have so far not been successful in stamping out extrajudicial murders.

## Russian Federation



The Russian human rights lawyer **Stanislav Markelov** was assassinated on 19 January 2009 in Moscow. At that time he was in the company of Anastasia Baburova, a freelance

journalist who was critically wounded and died later in hospital. According to reports, Markelov was shot in the head with a pistol fitted with a silencer. Markelov and Baburova were leaving a press conference during which Markelov had announced that he would appeal to the Russian authorities concerning the case of Russian colonel Juri Budanov who had been released early from prison. In 2003 this colonel had been sentenced to 10 years in prison for murdering the 18-year-old Chechen woman Heda Kungajeva. The colonel had strangled the

woman because he thought she was a sniper for the Chechen rebels.

In an interview with the BBC a few days before his violent death, Markelov had expressed his intention of finding out who had given the order to release Budanov: “From the course of events here I conclude that there still is no proper judicial process in Russia”, he said. Markelov was also co-founder of the non-governmental organisation ‘Institute for the Supremacy of Law’. Markelov assisted people who were abused, tortured and raped in Chechnya. He also assisted the victims of the drama surrounding the taking of hostages in the Moscow Dubrovka theatre on 24 October 2002. Among his clients was the journalist Anna Politkovskaja, who was murdered on 7 October 2006. L4L organised a letter-writing campaign requesting an independent inquiry into Markelov’s death.

## Sudan

In September 2009, L4L spoke to **Deirdre Clancy**, Co-Director of the *International Refugee Rights Initiative* (IRRI) in Kampala, Uganda. She informed us of the alarming situation facing human rights lawyers in Sudan. Serious threats, violence and intimidation by government authorities prevent them from doing their work and forces many to flee the country. Until July 2008, human rights organisations and their employees were able to do their work in Sudan to a limited degree and under strict conditions. On 14 July 2008 the prosecutor of the International Criminal Court, Luis Moreno Ocampo, submitted an application to the Pre-trial Chamber of the International Criminal Court for an arrest warrant to be issued against President Omar al-Bashir for genocide, war crimes and crimes against humanity committed by troops under the direct orders of Al-Bashir. From that moment on, human rights organisations and supporters were no longer left in peace by the NISS (security services) and police.

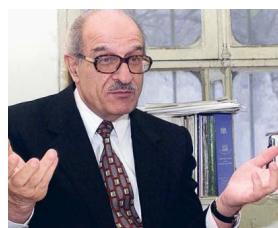
The *International Refugee Rights Initiative* (IRRI) tries, in collaboration with national and international NGOs, to protect human rights lawyers in Sudan and to allow them to continue their work, if necessary from exile. L4L

has expressed its recognition and its willingness, if required, to extend its cooperation.

## Sri Lanka

At the start of 2009, Sri Lankan lawyer **Ariyaratne** fled his country with the help of L4L. Mr. Ariyaratne has been a lawyer in Sri Lanka for more than 15 years. He acts, among other things, for *Right to Life*, an organisation helping victims of torture. He is also closely involved in the *Asian Human Rights Commission* (AHRC). On 27 January 2009 a police officer, whose name is known, uttered death threats against Ariyaratne at the police station three times. Ariyaratne filed a complaint against him. On 30 January 2009 his office was set on fire. Ariyaratne and his wife (also a lawyer) managed to escape, but countless files were lost in the fire. Only after several phone calls did the police arrive at the scene, but they refused to conduct a thorough investigation. Attempts of the Sri Lankan Bar Association and human rights organisations to arrange protection for Ariyaratne and his family, were ineffective. To this day the threats still have not been investigated. L4L helped Ariyaratne flee his country to prevent him from being murdered. In addition to financial support, L4L sent a letter to the Sri Lankan authorities on 26 February 2009, calling on them to provide protection for human rights lawyers, in order to enable them to carry out their profession unhindered.

## Syria



In 2009, L4L provided help to lawyers **Muhannad al-Hassani** and **Haitham al-Maleh**. Al-Hassani was detained on 28 July on suspicion of “declarations aimed at weakening patriotic feelings or encouraging sectarian or ethnical division”, and spreading “false or exaggerated statements aimed at weakening the nation”, which are forbidden under Articles 385 and 386 of the Syrian Penal Code. In reality, his arrest was probably related to his work for human rights, in particular his work monitoring the Supreme State Security Court, a special court operating outside the Syrian legal system. The

42-year-old lawyer published weekly reports about the special jurisdiction of the court. He is also chairman of the Syrian Organisation for Human Rights (*Sawasiah*) and regularly defends activists and political prisoners. Due to his work he has been prevented from travelling abroad on a number of occasions. In addition, the Bar Association disbarred him on 10 November 2009. As a result he can no longer practice law. The grounds of the referral in his disbarment proceedings, which commenced on 4 August 2009, include the accusation of “leading a human rights organization without a licence and without the prior approval of the Syrian Bar Association”, and of “attending and documenting the proceedings of the Supreme State Security Court without being the lawyer of those involved in these proceedings.”

A similar fate befell 78-year-old al-Maleh, a prominent human rights lawyer who was awarded the Dutch ‘Geuzen’ Medal in 2006 for his battle for human rights. On 14 October 2009 he was arrested, probably because of the telephone interview he had given on 12 October 2009. During the interview, Haitham al-Maleh criticised the continued suppression of freedom of speech in Syria. Al-Maleh had to appear before a military court in Damascus on November 2009. He was charged with “insulting the President”, “insulting the Judiciary”, “conveying within Syria false news that could debilitate the morale of the nation” and “weakening nationalist sentiments”. He faces up to 15 years in jail.

## Tunisia



On 28 March 2009 **Mohamed Abbou** was informed by the Tunisian Ministry of Justice and Human Rights that he is again permitted to travel abroad freely. In 2005, after

proceedings that breached standards of due process, Mr Abbou was sentenced to three and a half years imprisonment for committing libel. According to Mr Abbou and several human rights organisations, the true reason for his imprisonment was his advocacy for freedom of expression in Tunisia. Although Mr Abbou was released in the summer of 2007, he has been stopped from travelling abroad on several occasions

since his release. On a regular basis, L4L and other NGOs have requested the Tunisian authorities to consider Mr Abbou’s situation.

## Vietnam



On 13 June 2009, members of the Vietnamese security service arrested the Vietnamese lawyer **Le Cong Dinh**, managing partner of the law firm DC Law and former vice-president of the

Ho Chi Minh Bar Association, on suspicion of breaching Article 88 of the Penal Code. He faced a twenty year prison sentence, accused of being involved in spreading subversive propaganda against the government, and conspiring to sabotage the state. He was also struck off the register by the Bar Association on 1 July 2009. Following his arrest and disbarment, L4L organised a written campaign in June 2009. On 24 December 2009, in addition to the initial charge, Le Cong Dinh was also charged with breaching Article 79 of the Penal Code, i.e. trying to overthrow the government. According to Article 79 this is punishable by death. Following this news, L4L asked both the human rights ambassador A. Hamburger and the Special Rapporteur to the UN on the Independence of Judges and Lawyers to take action. Both have informed L4L that they have raised this matter at EU and UN level. There are serious concerns that the arrest and the current trial are simply and solely related to Le Cong Dinh’s work in the field of human rights. In January 2010 Le Cong Dinh was sentenced to five years in prison.

## Zimbabwe

2009 seemed to start off well in Zimbabwe with the appointment of opposition leader Morgan Tsvangirai as Premier alongside President Robert Mugabe. There was hope that this division of power would bring about more freedom and less repression – also for lawyers. Unfortunately this failed to materialise. In 2009 L4L again received regular reports of lawyers being threatened and hindered in their work.

On 14 May 2009, human rights lawyer **Alec Muchadehama** was arrested in the district court in Harare. L4L subsequently organised a written campaign. Muchadehama has regularly defended the opposition party MDC and human rights activists accused of plotting to overthrow President Mugabe. He was arrested for “obstruction of justice”. The next day he was released on bail, but had to report in weekly. In October his case came before the court and he was acquitted on 10 December 2009. There was no evidence to support the accusations.



On 10 February 2009 lawyers **Roselyn Hanzi** and **Tawanda Zhuwarara** were arrested on suspicion of taking part in a demonstration that resulted in violence and disturbing the peace. They were released on 28 May 2009, due to lack of evidence. On 2 November 2009 human rights and media lawyer **Mordecai Mahlangu** was arrested for allegedly writing a letter to the Attorney General on behalf of his clients (the charge was again “obstruction of justice”). He was released on bail a day later and was acquitted on 14 January 2010. These cases show that Zimbabwean lawyers are still subject to systematic intimidation and arbitrary arrest.

## III CONTACTS & COLLABORATION WITH OTHER ORGANISATIONS

In 2009 L4L has cooperated and/or kept in touch with representatives of the Department of Foreign Affairs including the Human Rights Ambassador, various members of Parliament, the *Dutch Bar Association*, the office of the *Amsterdam Bar Association*, the *International Bar Association* and many other national and international legal and political institutions and human rights organizations, such as Amnesty International, Justitia et Pax, Cordaid, Mensen met een Missie and Peace Brigades International.

In Geneva, L4L spoke with, amongst others, Leandro Despouy (UN Special Rapporteur on the independence of judges and lawyers), Louise Arbour (UN High Commissioner for Human Rights) and with representatives of the *International Commission of Jurists*, *Asian Human Rights Commission* and *Lawyers Rights Watch Canada*.



In New York at the United Nations, L4L had various meetings with **Ms. Gabriela Carina Knaul de Albuquerque Silva**, who was named the new UN Special Rapporteur on the Independence of

Judges and Lawyers in August 2009. Consultations were also held with David Marshall at the Office of the High Commissioner for Human Rights and with various other human rights organisations.

## IV WORKSHOPS AND SEMINARS

During the annual congress of the Dutch Bar Association, L4L held a session on 25 September 2009 entitled 'Human Rights in Zimbabwe, Lawyers in times of severe repression'. The special guest was **Arnold Tsunga**, former lawyer from Zimbabwe and current director of the Africa Regional Programme of the

International Commission of Jurists in South Africa. Tsunga spoke to Phon van den Biesen, chairman of L4L, about the legal profession in Zimbabwe and practicing law in times of crisis and serious government oppression. Directly after, there was an opportunity for debate and questions.



At the same time L4L had its own stand at the Knowledge Market at the Annual Congress.

Again in 2009 L4L made a number of presentations at a number of annual general meetings of local bar associations, including those in Dordrecht on 15 October and in Groningen on 30 October. L4L also gave a lecture to the Junior Bar Associations in Breda and Maastricht.

On 23 January 2009 L4L managing director Adrie van de Streek gave a presentation during the annual meeting of the Association of Amsterdam Legal-aid lawyers and another during the Congress of the Dutch – Philippines Foundation at the International Institute for Social Studies (ISS) on 4 November 2009. Finally, L4L managing director Adrie van de Streek was a panel member in the debate after the awarding of the Human Rights Tulip to the Iranian lawyer Shadi Sadr in The Hague on 9 November 2009.

## V PUBLICATIONS

In 2009 L4L began publishing a digital newsletter *Newsflash* with latest news and information concerning the current activities of L4L. *Newsflash* has since been published almost every month. You can subscribe via the website.

L4L writes a regular column '*Vervolgde Advocaten*' in *Advocatenblad*. We usually feature a lawyer currently under threat who really needs our support.

News from L4L is regularly featured in *de Orde van de Dag*, a legal newsletter from the Dutch Bar Association. L4LL4L also had an article published in *Le Juriste International*, a publication of the Union Internationale

des Avocats 'The Long Road to Justice for Philippine Lawyers and Justice' (December 2009).

### Report

*The Measures Measured. Report of the International Verification and Fact Finding Mission (IVFFM) on Attacks against Lawyers and Judges in the Philippines, 4-12 November 2008* (4 June 2009)

### Radio and television

On 10 April 2009 the current affairs programme *Dichtbij Nederland* did a story on the fate of Moroccan lawyer Abdellatif Kanjaa. L4L managing director Adrie van de Streek was involved in the making of the programme.

## VI OTHER ACTIVITIES

L4L published the UN document *Basic Principles on the Role of Lawyers* in a separate booklet. The *Basic Principles* is a detailed summary that has been formulated to assist every country in the world in their task of promoting and enabling the proper independent role of lawyers, the rights and responsibilities of lawyers and the need for governments to ensure that lawyers are able to perform all of their professional functions without hindrance. These booklets are presented at the request of L4L to all trainee lawyers once they are sworn in by local Deacons.

L4L has set as its goal to enlarge the effectiveness of the *Basic Principles*, including by attaining a higher legal status. In order to investigate how this should be realised we conduct interviews with representatives of the *International Commission of Jurists*, the Special Rapporteur for the Independence of lawyers and Judges, the Human Rights Officer at the *Office of the High Commissioner for Human Rights* and the *Open Society Institute*.



### Volunteer meetings

In 2009 L4L organised two meetings with L4L volunteers. The aim of these meetings was to exchange information and to mobilise them into focus groups.

These focus groups are responsible for monitoring the situation of lawyers in certain countries by maintaining contacts and actively looking for information themselves. Since May 2009 the following focus groups have been active: China, Central and South America, North Africa, Zimbabwe, The Philippines, Iran, Syria, Lebanon, Pakistan/Sri Lanka, Cambodia/Vietnam, Eastern Europe and Russia.

Each focus group has a member of the board of directors assigned to it. In this way L4L work can be better allocated and the increasing quantity of information can be better processed. In addition, volunteers are involved in updating the website and translating material submitted for this.

## VII BOARD

### In 2009 the following people were on the board of L4L

Mr. Phon van den Biesen, Van den Biesen Boesveld Advocaten, president;

Mr. Joost Italianer, NautaDutilh, secretary;

Mr. Gerrard Boot, judge in Amsterdam, treasurer;

Drs. Frederiek de Vlaming, criminal law section, University of Amsterdam, member until 15 July 2009;

Mr. Judith Lichtenberg, former lawyer;

Mr. Irma van den Berg, Six Advocaten, member since 10 June 2009;

Mr. Gerrit Jan Pulles, lawyer, member since 10 June 2009.

Mr. Adrie van de Streek is managing director of L4L.

In 2009 nine board of directors meetings were respectively held on 16 January, 20 February, 27 March, 11 May, 10 June, 15 July, 24 August, 16 October and 4 December.

## VIII FINANCING

Although the total amount of income realised in 2009 was less than in 2008, ultimately, income has slightly

exceeded expenditure in 2009 and produced a positive result of EUR 510.

The reserves are under the level deemed to be the maximum acceptable (an amount of one and a half times annual turnover) by the Herkströter Commission (Commission on Capital Requirements for Charities).

#### **Fee attendance money and expenses L4L**

##### **Fee attendance money**

Board members receive no fee attendance money or other allowances for the work they do for L4L, except for the expenses referred to below.

##### **Expenses**

If an employee of L4L does work at the request of the board and travel or accommodation expenses have to be incurred, these costs will be reimbursed within reason. If a board member or a L4L volunteer does work at the request of the board and travel and accommodation expenses have to be incurred, these costs will be reimbursed within reason. If the board decides that the above-mentioned activities must be performed, it shall also determine how many people will participate.

##### **Donations**

To be able to continue our work, we appeal to all lawyers and law firms to support the work of L4L financially. L4L is a public interest institution and as such all donations qualify as tax deductible.

**Support Lawyers for Lawyers by making a donation to account number: 489 938 655, in the name of Stichting Advocaten voor Advocaten, Amsterdam**

##### **Making a donation by notarial deed**

If you annually contribute the same amount to L4L for a period of at least five years and have this certified by a civil law notary, your periodic contributions will be fully tax deductible. The arrangement applies to contributions of EUR 100 or more per year. L4L will pay the notarial fees.

## **CONTACT**

### **ADVOCATEN VOOR ADVOCATEN / LAWYERS FOR LAWYERS**

#### **Correspondence address**

PO Box 7113  
1007 JC AMSTERDAM  
Tel: +31 (0) 20 7171 638  
Fax: +31 (0) 20 7171 327  
E-mail: [info@lawyersforlawyers.nl](mailto:info@lawyersforlawyers.nl)  
[www.lawyersforlawyers.nl](http://www.lawyersforlawyers.nl)

#### **Contact person**

Ms Mr. Adrie van de Streek, managing director  
Mobile: + 31 (0)6 26 274 390  
E-mail: [info@lawyersforlawyers.nl](mailto:info@lawyersforlawyers.nl)

#### **Bank and giro details**

ABN-AMRO 48.99.38.655  
BIC ABNANL2A  
IBAN NL69ABNA0489938655 and  
ING: 4338327  
Attn. Stichting Advocaten voor Advocaten  
in Amsterdam