



**Questionnaire for International Organizations and Civil Society by the
UN Special Rapporteur on the situation of human rights defenders
Mary Lawlor, 9 February 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of long term detention of human rights defenders, which will be presented to the UN General Assembly in October 2021.

The questionnaire on the report is available at [OHCHR website](https://www.ohchr.org) in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations).

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **19 March 2021**

Contact Details

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

Type of Stakeholder (please select one)	<input type="checkbox"/> International or Inter-governmental Organisations <input type="checkbox"/> Civil Society Groups or Organisations <input type="checkbox"/> Individual human rights defender <input type="checkbox"/> Academic/training or research institution <input checked="" type="checkbox"/> Other (please specify) LAWYERS' ASSOCIATION
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Name of Stakeholder/ Organization (if applicable)	UCPI-UNIONE DELLE CAMERE PENALI ITALIANE (ITALIAN CRIMINAL LAWYERS' ASSOCIATION) Avv. Giovanni Domenico Caiazza (President)
Name of Survey Respondent	
Email	<u>segreteria@camerepenali.it</u>
Can we attribute responses to this questionnaire to you or your organization publicly*? *On OHCHR website, under the section of SR on human rights defenders.	Yes Comments (if any):

Questions

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions^[1] national legislation, in particular national

security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law, that might result in long-term arbitrary deprivation of liberty.

- 1) **Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentences of at least 10 years or more? Please provide a list of cases.**

^[1] See [A/HRC/RES/22/6](#) (2013) and [A/RES/68/181\(2014\)](#). See also: [A/HRC/RES/25/18](#) (2014), [A/HRC/RES/27/31](#) (2014), [A/HRC/RES/32/31](#) (2016) and [A/HRC/RES/34/5](#) (2017)



We are aware of many cases and, as a method, we would like to highlight the stories of our fellow lawyers who have been prosecuted and imprisoned for the sole reason of exercising their profession with independence and freedom by listing them by country¹.

IRAN

Nasrin Sotoudeh, 57, mother of two, Iranian distinguished human rights lawyer, was arrested on June 13, 2018 after she represented a woman facing imprisonment for peacefully protesting against Iran's compulsory hijab law by removing it in public. She was informed that she had been detained as the result of a **5 year prison** sentence that was issued against her *in absentia* in 2015 by a Revolutionary Court judge on the following charge: “*espionage in hiding*”².

On March 9, 2019, she received a copy of a court ruling issued after a one-day hearing held *in absentia* on December 30, 2018, by Branch 28 of the Islamic Revolution Court in Tehran. The Court found her guilty and sentenced her to **33 years in prison and 148 lashes** on the following seven charges: “*gathering and collusion against national security*” (Article 610 of the Islamic Penal Code), “*spreading propaganda against the system*” (Article 500), “*effective membership of the illegal and anti-security splinter groups Defenders of Human Rights Centre, LEGAM and National Council of Peace*” (Article 498); “*encouraging people to commit corruption and prostitution, and providing the means for it*” (Article 639); “*appearing without the sharia-sanctioned hijab at the premises of the magistrate’s office*” (Article 638); “*disrupting public order and calm*” (Article 618) and “*spreading falsehoods with intent to disturb the public opinion*”(Article 698)³.

No lawyer represented her before the Court, as she refused to appoint a lawyer to protest against provisions restricting the right of those accused of national security crimes to be represented by a lawyer of their choosing. She also refused to appeal the ruling.

¹ For imprisoned Turkish lawyers see The Arrested Lawyers Initiative report: “*Mass Prosecution of Lawyers in Turkey (2016-2021)*”; for imprisoned lawyers in Turkey and in the Rest of the World, see Institut des Droits de l’Homme des Avocats Européens report: “*Ces Avocats assassinés, emprisonnés, persécutés dans le monde*”, 2019.

² European Parliament resolution on Iran, notably the case of Nasrin Sotoudeh, 13.12.2018.

³ **The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), Sentencing of Ms. Nasrin Sotoudeh to 33 years in jail, 12.03.2019.**



Mrs. Sotoudeh not only finds herself serving cruel and groundless sentences; her health, both physical and psychological, is rapidly deteriorating.

She is currently jailed in Iran's Qarchak prison, where she was returned against the advice of medical professionals after a brief furlough in December, and continues to advocate for prisoners' basic human rights.

Her judiciary harassment in connection with her human rights lawyer activity, however, started on September 4, 2010 when Iranian authorities arrested her on charges of "*spreading propaganda*" and "*conspiring to harm state security*".

On January 9, 2011, she was sentenced to **11 years** of jail for charges that include "*activities against national security*" and "*propaganda against the regime*". Additionally, she has been barred from practicing law and from leaving the country for 20 years. In mid-September 2011, an appeals court reduced her prison sentence to six years; her ban from working as a lawyer was reduced to ten years. She was released on 18 September 2013 along with ten other political prisoners, days before an address by Iranian President Rouhani to the UN and no explanation was given for her early release.

For her commitment in the defence for human rights Mrs. Sotoudeh has also been awarded internationally with prestigious awards such as the PEN America's 2011 Freedom to Write, the Sakharov Prize of the European Parliament in 2012, the International Human Rights Prize "Ludovic Trarieux" in 2018, the Council of Bars and Law Societies of Europe (CCBE) Human Rights Award in 2019 and the Right Livelihood Award in 2020.

Amirsalar Davoudi, 40, is an Iranian prominent human rights lawyer, well known for representing human rights activists and other individuals detained for their social and political activities. He was arrested on November 20, 2018 and since then is detained in Tehran's Evin prison with extremely limited access to his family and lawyer.

On June 1st, 2019, his wife, Tannaz Kolahchian, announced on Twitter that he had been convicted by Branch 15 of the Revolutionary Court in Tehran on multiple charges and sentenced to **30 years in prison and 111 lashes**.

The charges on which he has been convicted include "*insulting officials*", "*insulting the Supreme Leader*" and "*spreading propaganda against the system*". In accordance with Article 134 of the penal code, which provides that, when individuals are convicted on three or more charges, they shall serve the lengthiest single sentence imposed for the most serious charge, the actual term he is due to serve is **15 years**. The single lengthiest charge on which he was convicted was "forming a group with the purpose of disrupting national security", relating to his Telegram channel named "*Without Retouch*".



He has been awarded the Council of Bars and Law Societies of Europe (CCBE) Human Rights Award in 2019.

TAJIKISTAN

Buzurgmehr Yorov, 50, is a Tajikistani human rights lawyer involved in a number of high-profile legal cases, representing individuals prosecuted by the government of Tajikistan on charges deemed politically motivated. He was sentenced on October 6, 2016 to **23 years in prison** in a high-security compound by the Dushanbe City Court. He denied all the charges against him and denounced their political nature. The Court found Yorov guilty of, among other things, “*fraud*” and “*public calls to undertake extremist activities*”.

On January 6, 2017, the Supreme Court of Tajikistan sentenced Mr. Yorov to an additional **2 years of prison** for “*contempt of court*”.

On August 4, 2017, the prosecutor requested a further 17 years of prison for Mr. Yorov for “*fraud*” and “*insulting the head of the nation*”. Mr. Yorov's family was informed that his original 25 year of prison sentence had been extended by **3 years** on that indictment. His lawyer, Ms. Muazzama Qodirova, was put under such pressure by the Tajik authorities that she was forced to leave Mr. Yorov's defence and to leave Tajikistan.

He is now **servicing 22 years in prison** as the former 28 prison sentence has been shortened on November 2019 as a result of a mass amnesty.

SAUDI ARABIA

Waleed Abu al-Khair, 41, is a prominent Saudi Arabian lawyer. As founder of the Monitor of Human Rights in Saudi Arabia he has been involved in cases against the government for imprisoning activists without charge and for banning women's voting in municipal elections for several years.

He was arrested in Jeddah on October 2, 2013 and sentenced on July 6, 2014 by the Specialised Criminal Court for Terrorism to **15 years in prison** - five of which were suspended - as many years of travel ban and 200.000 riyals fine, for “*disobedience and breaking allegiance to the sovereign*”, “*disrespect for the authorities*” and “*contempt of court*”. Throughout the hearing his legs were shackled.

On appeal by the prosecution, on January 12, 2015, the Specialised Criminal Court in Riyadh cancelled the suspended sentence and ordered that the full **15 year prison** term be carried out because he had not withdrawn his statement or apologised to the Court. On February 15, 2015, the Specialised Criminal Court in Riyadh confirmed the decision.



Mrs. Abu al-Khair has also been awarded internationally with prestigious awards such as the Olaf Palme Award in 2013, the International Human Rights Prize “Ludovic Trarieux” in 2015 and the Right Livelihood Award in 2018.

UNITED ARAB EMIRATES

Mohammed al-Roken, 58, is a prominent lawyer in the United Arab Emirates credited with defending human rights activists in major cases. One such case was the UAE 5, a 2011 case which convicted and sentenced five human rights defenders in relation to their work.

He was arrested on July 17, 2012 and was among many others who were held in secret detention centers and subjected to torture after being placed in solitary confinement for months, uninterrupted light, high cold, beatings and many violations by the State Security Apparatus.

On March 4, 2013, the government started the mass trial of 94 defendants before the State Security Chamber of the Federal Supreme Court in Abu Dhabi in case that came to be known as the “UAE94”.

The “94” were accused of “*establishing and executing an organisation that seeks to oppose the basic principles of the UAE's system of governance and coup d'état*” and “*communicating with individuals and international and foreign entities and establishments based outside the state, in order to undermine the image of the state*”, charges which refer to violations of Article 180 of the UAE Penal Code, charges which they all denied.

On July 2, 2013, the Court convicted 69 of the defendants sentencing them with up to 15 years in prison. Mr. al-Roken was sentenced to **10 years in prison** and banned from practising as a lawyer.

Their trials were widely condemned as lacking the minimum international standards of fair trial and due process.

Mr. al-Roken is currently in Al-Razeen prison, where his movement and communications are controlled.

He has been awarded the International Human Rights Prize “Ludovic Trarieux” in 2017.

TURKEY

Barkin Timtik, 38, is a human rights lawyer and board member of the Progressive Lawyers' Association (ÇHD) as well as the People's Rights Bureau (HHB). She was sentenced on March 20, 2019 to **18 years and 9 months in prison** on charges of “*setting up and running a terrorist organisation*” (Art. 314/1 Turkish Penal Code) at the ÇHD2 trial along with other 16 lawyers, before the Istanbul 37th High Criminal Court.



Her older sister, **Ebru Timtik**, was sentenced to 13 and a half years and while she was under appeal to the Supreme Court, on August 27, 2020, she died after a 238 day hunger strike aimed at obtaining a fair trial.

Selçuk Kozağaçlı, human rights lawyer and chair of the Progressive Lawyers' Association (ÇHD), was also sentenced to **11 years and 3 months in prison**.

After spending a year in detention, Barkin Timtik appeared before the 37th section of the Istanbul court. Released, like 16 of her co-defendants, by the Court on 14, 2018, she was the subject of an arrest warrant from the same Court the very next day, following an appeal by the prosecution.

Ms. Barkin Timtik had previously been imprisoned between January 23, 2013 and March 21, 2014 in the so-called ÇHD1 trial, in which she also remains one of the defendants on charges of "*belonging to a terrorist organisation*", due to ÇHD's alleged links to the DHKP/C.

On September 15, 2020, the Court of Cassation of Turkey upheld the sentence of 14 ÇHD lawyers prosecuted under terrorism related charges along with Ms. Barkin Timtik.

After this final ruling, the lawyers were sentenced to: **13 years and six months in prison** for Mr. **Özgür Yılmaz**; **12 years in prison** for Mr. **Behiç Aşçı** and Ms. **Şükriye Erden**; **10 years and six months in prison** for Messrs. **Aytaç Ünsal, Engin Gökoğlu and Süleyman Gökten**.

As of today, Messrs. **Barkın Timtik, Behiç Aşçı, Engin Gökoğlu** and **Selçuk Kozağaçlı** remain in detention.

Ms. Barkin Timtik and her sister Ebru (*in memoriam*) have been awarded the International Human Rights Prize "Ludovic Trarieux" in 2020.

Fevzi Kayacan, former President of the Konya Bar Association, prosecuted under terrorism related charges, was arrested July 23, 2016 and was sentenced to **10 years and 6 months** in October 2017.

Aysel Tuğluk, 53, former co-vice president of the Peoples' Democratic Party (Halkların Demokratik Partisi (HDP), former deputy of the Diyarbakir constituency, was arrested on December 29, 2016, along with seven politicians from the HDP, defenders of the Kurdish minority, of the DBP and the DTK (Democratic Society Congress), a movement that brings together movement that brings together all the Kurdish political and cultural organizations). Aysel Tuğluk was sentenced to 8 years in prison, increased by 50 percent under the anti-terrorism law, to 12 years. The court decided to reduce the sentence by 1 year and half and then sentenced Aysel Tuğluk to 10 years in prison.



On May 16, 2018 **Fevzi Cem Şenocak** was sentenced to **10 years and 6 months** for “*attempting to overthrow the constitutional order, membership in a terrorist organization*” (Article 314/2 of Turkish Penal Code).and “*opposition to the Law on the Prevention of Financing of Terrorism*”.

Yücel Akdağ, a lawyer from Sandikli district, was sentenced to **10 years** in prison by the Afyonkarahisar (or Afyon) Criminal Court for “*belonging to an armed terrorist organization*” (Article 314/2 of Turkish Penal Code).

He was accused of having traveled to the United States, having a bank account with the Bank Asya, belonging to the Gülenist movement, and of having used the ByLock application.

He formally denied having gone to the United States to meet Fetullah Gülen. However, it was a simple tourist trip. His account at Bank Asya was opened since 2005, and he did not receive any benefit from it. He also denied being a user of ByLock.

2) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more? For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.

IRAN

Mohammad Najafi, 46, is an Iranian prominent human rights lawyer. He has been sentenced four times to a **total of 19 years in prison** that is currently serving in Arak Central Prison.

On 27 August 2018 he was sentenced to **3 years of prison and 74 lashes** for “*disturbing public order*” and “*spreading false information*”. On 11 December 2018, he was then sentenced to 13 years of prison for “*collaborating with enemy states through the transfer of information and news in interviews*” (10 years), “*propaganda against the state*” (2 years) and “*insulting the government and the Supreme Leader*” (1 year) by the First Chamber of the Arak Revolutionary Court. On 15 December 2018, Chamber No. 102 of the Shazand Criminal Court also sentenced him to **1 year of prison** for “*publishing lies in cyberspace using a telephone and a computer with the intention of disturbing public opinion*”. Finally, on 22 January 2019, Chamber 102 of the Shazand Criminal Court, sentenced him to **2 years of prison** and a fine of 4 million tomans for “*disturbing public opinion*”, by criticising Supreme Leader Ali Khamenei.



He has been awarded the Council of Bars and Law Societies of Europe (CCBE) Human Rights Award in 2019.

3) Do you know of any human rights defender(s) whose time in pre-trial detention and/or administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

4) Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

IRAN

Abdolfattah Soltani, 67, is an Iranian human rights lawyer and spokesman for the Center for Human Rights Defenders, the group he co-founded the group with Mohammad Seifzadeh and Nobel Peace Prize-winner Shirin Ebadi.

He was incarcerated for political offences in 2005 and 2009. He received 18 year prison sentence in 2012 and was banned for an additional 20 years from practicing law on the charges of “*co-founding the Center for Human Rights Defenders*”, “*spreading anti-government propaganda*”, “*endangering national security*” and “*accepting an illegal prize*” (the Nuremberg International Human Rights Award in 2009).

He was granted conditional release in 2018 after serving more than half a 10 year term.

He was awarded the Nuremberg International Human Rights Award in 2009, the International Bar Association’s Human Rights Award in 2012 and the Council of Bars and Law Societies of Europe (CCBE) Human Rights Award in 2019.

5) What actions do you suggest the Special Rapporteur can take to:

a) **Prevent defenders from being detained for long terms in connection to their human rights work?**

International actors such as UN, States and the EU should take a clear and concrete stance against such conducts.

More generally, in order to protect human rights defenders and their work, we suggest the following:



- Events and campaigns should be further promoted in order to increase awareness on such issues;
- International networking should be fostered. In our experience, we collaborated and developed strong networks with foreign colleagues (lawyers) for instance (i) visiting the country as international observers in trials, (ii) organizing cultural events, (iii) issuing shared statements.

b) Have those human rights defenders arbitrarily detained under long sentences released?

International actors, starting with the United Nations and its Human Rights Council, should use diplomacy and all available means, to put pressure on Governments that prosecute and cruelly punish human rights defenders.

NOTE: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

Il Presidente dell'Unione delle Camere Penali Italiane

Avv. Giovanni Domenico Caiazza