

The Rt Hon Chris Grayling MP
Secretary of State for Justice and Lord Chancellor
Ministry of Justice
102 Petty France
London SW1H 9AJ
United Kingdom

Brussels, 2 July 2014

Re: Concerns regarding death threats against Mr Phil Shiner, a human rights lawyer

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to you to express its serious concern over the situation of Mr Phil Shiner, a human rights lawyer who received death threats against both him and his family. Mr Shiner has been the target of intimidation and harassment over the last 10 years as a result of his work for Public Interest Lawyers (PIL) and their cases representing Iraqis in war crimes cases. A police investigation was launched to look into these threats, and in 2010, one threat led to a prosecution under the Malicious Communications Act 1988.

The CCBE has been informed that Mr Shiner and the PIL worked on a number of recent issues including the Al Sweady Inquiry relating to Iraqi detainees, non-nationals receiving legal aid for judicial review cases and the decision by the International Criminal Court to investigate war crimes by the UK in Iraq. According to the information that we received, Mr Shiner has received an increasing number of abusive emails and phone calls as a result of new negative media coverage of the PIL. The CCBE believes that these acts constitute an attempt to silence Mr Shiner, and to restrict his peaceful and legitimate activities in the defence of human rights.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover Article 17 states that:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

In view of the above, the CCBE respectfully urges your Excellency to investigate the reported acts of harassment and intimidation in order to guarantee the security and psychological integrity of Mr Shiner. The CCBE also asks you to take all necessary measures to guarantee that lawyers in the United Kingdom are able to perform their professional duties without fear of reprisal, hindrance, intimidation and harassment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President