



ACTIVITY REPORT

INTERNATIONAL OBSERVATORY FOR LAWYERS IN DANGER

Presented at the General Assembly on May the 20th 2022 in Rome.



2021 / 2022



INTERNATIONAL
OBSERVATORY
FOR LAWYERS

TABLE OF CONTENTS

| | |
|--|----|
| NOTE FROM THE PRESIDENT | 4 |
| INTRODUCTION | 5 |
| NEW MEMBERS | 6 |
| ALERTS, PRESS RELEASES & LETTERS | 7 |
| JUDICIAL OBSERVATION MISSIONS | 11 |
| NOMINATIONS FOR THE 2021 HUMAN RIGHTS AWARD | 12 |
| EVENT | 14 |
| DIRECT ASSISTANCE TO LAWYERS | 18 |
| COMMUNICATION | 19 |
| DRAFT INTERNATIONAL LEGALLY BINDING INSTRUMENT | 20 |
| OTHER INITIATIVES | 21 |

NOTE FROM THE PRESIDENT



Francesco Caia
Presidente del Observatorio
Internacional de la Abogacía
en Riesgo

Protecting the free practice of the legal profession means protecting the independence of the judiciary and compliance with procedures and the rule of law. Without independent judges and lawyers, there will be no rule of law. The global state of emergency unleashed by the pandemic has exacerbated inequalities and hindered access to justice. We are now witnessing an absurd war following Russia's invasion of Ukraine. Another emergency is hitting Europe and the world, and the state of emergency, as we know, is not conducive to respect for fundamental rights.

In this difficult international context, the Observatory, founded in 2016, by the Italian, French and Spanish national councils and the Paris Bar Association, bolstered its action last year in favour of lawyers who unfortunately suffer violence, intimidation, arrests and unjust convictions in many States. This has been possible thanks to the commitment of the Observatory's board and all of its member bars, now numbering more than forty, not only Italian, French and Spanish, but also Swiss, German, Belgian and others from non-European countries.

The Observatory's action has taken the form not only of press releases, documentation and letters sent to the various governments and international institutions requesting they act to ensure the free practice of the legal profession, but also of positive actions aimed at providing material support to colleagues forced to leave their countries of origin. We have accompanied them and helped them with the procedures for applying for asylum. The Observatory provides support on several fronts: legal support for the application for refugee status and material support so that lawyers can meet their initial expenses, but also help with social integration and, if necessary, health care.

In 2021, the Observatory supported, among others, a Tunisian lawyer who had to flee his country because of death threats from Islamic extremists. The Observatory also supported a young, committed Turkish lawyer, an Afghan lawyer and a Nicaraguan lawyer who had to flee his country with his family to avoid arrest for his work as a lawyer defending political prisoners in Nicaragua.

It is also necessary to support the actions undertaken before the international and constitutional courts of the different States. In 2021, the Observatory filed two important amicus curiae briefs. The first was filed before the Colombian Constitutional Court, concerning the case of Dilan Cruz, a young man killed by a member of the national police, to argue against the military jurisdiction (appeal confirmed in June 2021). The second was filed before the Inter-American Court of Human Rights in support of the victims of the "Digna Ochoa y Placido Family v. Mexico" case to demonstrate the Mexican State's lack of diligence in investigating her murder (appeal confirmed in January 2022 with the conviction of the Mexican State).

Despite Covid-19 related travel difficulties in 2021, the Observatory participated in two international trial observation missions to Turkey to attend hearings against members of the progressive lawyers' association CHD, including Selcuk Kozagacli and Barkim Timtik (the sister of lawyer Ebru Timtik, who died in prison in August 2020 after a 238-day hunger strike following the rejection of all requests for her release due to her very serious health condition) and another mission to Honduras to attend the trial of one of the suspects in the assassination of Berta Cáceres, general coordinator of the Civic Council of Popular and Indigenous Organisations of Honduras, murdered on 2 March 2016. In January and March 2022, the Observatory participated in two other missions to Turkey.

The Observatory coordinated the activities of the international coalition for the International Day of Lawyers in Danger. On 24 January 2022, it published the report on Colombia, the country profiled.

We will continue to mobilise to spotlight human rights violations that might otherwise go unnoticed, to document the repression of lawyers, and to support colleagues who are forced to leave their cities and countries because they are identified with their clients.

INTRODUCTION

The International Observatory of Lawyers in Danger (OIAD) is an initiative of the French National Bar Council, the Consiglio Nazionale Forense, the Consejo General de la Abogacía Española and the Paris Bar. Launched in 2015, its aim is to defend lawyers threatened in the practice of their profession and to denounce situations that infringe the rights of the defence.

The OIAD's mandate is to act as a watchdog for the physical and moral integrity of lawyers throughout the world and the conditions in which they practice their profession.

It can provide threatened lawyers with legal assistance, but also with moral and material support when the threats against them make such measures necessary.

The effectiveness of this protection instrument made available to the entire community of lawyers, and through them, to the citizens they defend, will be all the greater if it is known and recognised. It is therefore incumbent on professional associations and each individual lawyer to contribute to disseminating the Observatory's mandate. The Observatory also encourages members of civil society to send it any information relating to the situation of lawyers around the world.

The Observatory's methodology:

Each case brought to the attention of the Centre is dealt with through the following procedure:

- Fact-checking;
- Assessment of the situation by the Observatory;
- Implementation of the means available tailored to each case

The assessment of the gravity of the threat is based on criteria relating to the lawyer's situation: obstruction of their practice of the profession, suspension of their practice, physical and moral harm, death threats, detention, death penalty sentences, and so forth. Certain situations may lead the Observatory to carry out investigations through field missions whose aim is to provide assistance and protection to threatened lawyers, but also to collect information from professional organisations and the lawyers themselves in order to produce the most accurate «country» report possible and to draw up concrete recommendations. Experience has shown that these missions also provide an opportunity to identify new cases receiving little or no publicity.

The Observatory makes every effort to ensure the effectiveness of the missions and achieve a real impact on the given situation. Teams of lawyers are appointed to ensure the quality of the fieldwork and its follow-up. Missions are usually carried out by several lawyers in order to ensure their safety. Finally, the Observatory respects its principle of specialization, namely that it

is dedicated to the protection of lawyers. As such, it may be called upon to join forces with other human rights defenders' organisations. It mobilises and raises awareness among other national and international actors from public institutions and civil society.

The Observatory notes that it is the State that remains primarily responsible for building a free and secure environment for the fulfilment of lawyers' mission. The more the work of the Observatory is recognised and supported both within the profession and beyond, the more effective its action will be in ensuring the protection of lawyers at risk.

NEW MEMBERS

FOUNDING MEMBERS

Conseil National des Barreaux (CNB)
Barreau de Paris (ODAP)
Consejo General de la Abogacía Española (CGAE)
Consiglio Nazionale Forense (CNF)

ACTIVE MEMBERS

France

Barreau d'Aix-en-Provence
Barreau de Brest
Barreau de Caen
Barreau des Hauts de Seine
Barreau de La Rochelle-Rochefort
Barreau de Lille
Barreau de Lyon
Barreau de Montpellier
Barreau de Nantes
Barreau de Paris
Barreau de Rouen
Barreau de Strasbourg
Barreau de Thonon-les-Bains
Barreau de Tours

Spain

Ilustre Colegio de Abogados de Barcelona
Ilustre Colegio de Abogados de Bizkaia
Ilustre Colegio de Abogados de Madrid
Ilustre Colegio de Abogados de Talavera
Ilustre Colegio de Abogados de Pamplona

Italy

Ordine degli avvocati di Bari
Ordine degli avvocati di Bologna
Ordine degli avvocati di Brescia
Ordine degli avvocati di Messina
Ordine degli avvocati di Milano
Ordine degli avvocati di Modena
Ordine degli avvocati di Monza
Ordine degli avvocati di Napoli
Ordine degli avvocati di Oristano
Ordine degli avvocati di Palermo
Ordine degli avvocati di Roma
Ordine degli avvocati di Rovereto
Ordine degli avvocati di Torino
Ordine degli avvocati di Verona

Others

Geneva Bar
Neuchâtel Bar
Brussels Bar
Diyarbakir Bar
Cameroon Bar
Lualaba Bar
Hamm Bar
Cologne Bar

This year we are pleased to welcome four new active members to the Observatory: the Aix en Provence Bar, the Bologna Bar, the Nantes Bar and the Naples Bar. We also welcome a new associate member, the Union des Jeunes Avocats de Marseille. We are therefore pleased to announce that the Observatory now has 45 active members and 14 associate members supporting it in its mission.

ASSOCIATE MEMBERS

European Democratic Lawyers
ASF France
China Human Rights Lawyers Concern Group
Conférence des bâtonniers
CCBE
Défense sans Frontières - Avocats Solidaires
Endangered Lawyers - Avvocati Minacciati
FNUJA
IDHBP
Lawyers for Lawyers
SAF
UJA Aix en Provence
The Arrested Lawyers initiative
Union des Jeunes Avocats de Marseille

ALERTS, PRESS RELEASES & LETTERS

One of the main tools at the OIAD's disposal when it does not endanger the lawyer in question is media coverage. The coverage is either sought publicly, when possible, in which case it takes the form of alerts published on the Observatory's website and relayed on social networks, or more confidentially by directly addressing the authorities concerned (national, European and/or UN authorities). During the period 2021/2022, the Observatory addressed 37 cases through alerts, communiqués and letters.

HOW DO WE WORK?

- The first step is to identify and verify the lawyer's risk situation, for which the Observatory relies on its network of collaborators and contacts in the field.
- Once the information has been verified, a decision is made on the appropriate action to improve this situation and an alert, communication or letter to the relevant authorities is drafted.
- Thirdly, the initiative is validated by the Observatory's Bureau, translated into five languages and published on social media or sent to the pertinent authorities.

The Observatory occasionally denounces specific situations of lawyers in danger by joining forces with other organisations devoted to defending legal defence. The Observatory has signed several letters denouncing situations jeopardizing the free and independent practice of the profession in various countries such as Egypt, Colombia, the Philippines, Russia and Turkey.



Mexico

Verónica Guerrero



Honduras

"Justicia para los Pueblos" law firm



Guatemala

Legal Office of Indigenous Peoples
and Chomij'a Indigenous Women
Lawyers' Association



El Salvador

Bertha María Deleón



Nicaragua

Eilyn Margarita Cruz Rojas
José Arnulfo López Cruz



Colombia

Sebastián Escobar Uribe
Johan Sebastián Moreno Castro



Belarus
[Harassment of lawyers](#)

Turkey
[Aytac Unsal](#)

Lebanon
[Rami Alleik](#)

Egypt
[Mohamed El-Baqer](#)

Tunisia
[Abderrazak Kilani](#)

Algeria
[Abderraouf Arslane](#)


Cameroon
[Akum Michael Nche](#)

Equatorial Guinea
[Gemma Jones](#)

Democratic Republic of the
Congo
[Firmin Yangambi](#)






Russia 
[Mikhail Benyash](#)
[Ivan Pavlov](#)
[Mansur Gilmanov](#)

Afghanistan 
[Latifa Sharifi](#)
[The Afghanistan Independent Bars Association stormed by the Taliban](#)

China 
[Tang Jitian](#)
[Yu Wensheng](#)
[Chang Weiping](#)

Philippines 
[Eric Jay Magcamit](#)
[Czarina Musni](#)
[Attacks against lawyers further escalating](#)

JUDICIAL OBSERVATION MISSIONS



MISSION IN TURKEY: April 2021

From 4 to 8 April 2021, the Observatory participated in a joint judicial observation mission to Turkey. Delegation members followed the cases of the members of OHD (Ozgurlukcu Hukukcular Dernegi, "Association of Lawyers for Freedom") and CHD I and II (Cagdas Hukukcular Dernegi: Association of Progressive Lawyers). A visit was organised to Silivri Prison to meet our colleagues Barkin Timtik, Oya Aslan, and Selçuk Kozagaçlı. The report was prepared jointly by the International Observatory of Lawyers in Danger, the Paris Bar Association, the Consejo General de la Abogacía Española and the Geneva Bar Association.

[Read the report.](#)



MISSION IN TURKEY : September 2021

The Observatory also participated in a second mission to Turkey from 15 to 20 September 2021. The Observatory delegation that travelled to Istanbul drafted a complementary report to one from the previous mission.

The report is on the two hearings, held on 15 and 20 September 2021 respectively, in the CHD I and II trial before the 18th Istanbul Criminal Chamber concerning Barkin Timtik and Selçuk Kozagaçlı and on the case concerning Oya Aslan and Günay Dağ before the 37th Istanbul Criminal Chamber. It also covers the OILD delegation visits to detained lawyers on 16 and 17 September 2021 along with twenty-four other delegations.

[Read the report.](#)

MISSION TO OBSERVE THE TRIAL FOR THE MURDER OF BERTA CACERES (HONDURAS)



As part of an international judicial observation mission with 18 other organisations, the Observatory participated in the monitoring of the latest trial for the assassination of Berta Cáceres. Berta Isabel Cáceres Flores, general coordinator of the Civic Council of Popular and Indigenous Organisations of Honduras (COPINH), was murdered on 2 March 2016 for her opposition to the "Agua Zarca" hydroelectric project built by the DESA company in Lenca indigenous territory.

While in 2018 seven people were convicted for her murder, on 6 April 2021, a new trial began against David Castillo, one of the directors of the Honduran electricity company DESA.

On this occasion, because of the Covid-19 pandemic restrictions, the monitoring was conducted remotely through periodic meetings in which the observer delegates reported on the progress of the trial.

On 5 July 2021, David Castillo was found guilty of ordering the murder of environmentalist leader Berta Cáceres.

[Read more.](#)

NOMINATIONS FOR THE 2021 HUMAN RIGHTS AWARD

CCBE AWARD: DIYARBAKIR BAR ASSOCIATION



Each year, the Council of European Bars and Law Societies (CCBE) presents a Human Rights Award. Its aim is to honour outstanding lawyers' organisations or lawyers who have shown extraordinary commitment and sacrifice in upholding the profession's core values while raising awareness of

the legal profession's core values.

distinguished itself for its commitment to the protection of both minorities and their colleagues under threat and is facing systematic threats and pressure that hinder the practice of the profession. Its Council is currently being prosecuted. In 2020, 69 members of the Diyarbakir Bar Association out of 765 registered lawyers were subjected to 78 legal proceedings.

[Read the application.](#)

For the 2021 edition, the Observatory put forward the candidature of the Diyarbakir Bar Association, a joint candidature of the French, Spanish and Italian delegations. The Diyarbakir Bar Association has

IBA AWARD: REINALDO VILLALBA



International Bar Association
the global voice of the legal profession

The International Bar Association Award is presented annually to a legal practitioner who, through personal efforts in the course of his/her practice, is deemed to have made an outstanding contribution to the promotion, protection and advancement of human rights.

In 2021, the Observatory nominated Reinaldo Villalba Vargas, President of the José Alvear Restrepo Lawyers' Collective (CAJAR) in Colombia. This human rights law firm contributes to combatting impunity and building a just society in Colombia.

Throughout his career, Reinaldo has defended peasants, trade unionists, students, indigenous people, journalists

and others, all of whom have been deprived of their freedom or prosecuted for exercising their fundamental rights.

Because of his work as a human rights lawyer, Reinaldo has been prosecuted by the authorities and unfoundedly labelled as a defender of terrorism and an auxiliary of the guerrilla, particularly because of his work as a defender of Senator Iván Cepeda in the Álvaro Uribe case.

[Read the application.](#)

MARTINE ANSTETT AWARD: CZARINA MUSNI

Every 29 April, the anniversary of Martine Anstett's death, the Martin Anstett Association presents an award to a person who is particularly committed to the defence of human rights.



ASSOCIATION PRIX
MARTINE ANSTETT

For the 2021 edition, the Observatory nominated lawyer Czarina Golda S. Musni from the Philippines. Czarina is a member of the National Union of Peoples' Lawyers (NUPL) and the Union of People's Lawyers in Mindanao (UPLM). Through these organisations, Czarina provides pro-bono legal services to victims of human rights violations in the Philippines. She focuses her work on defending the vulnerable and the land rights of local indigenous communities against extractive industry companies, and has confronted large interests working in conjunction with the government of President Duterte.

During President Rodrigo Duterte's term in office since June 2016, 57 lawyers have been murdered.

This high-risk environment has not prevented Ms Musni from continuing her work, which she is currently carrying out from abroad. She has been forced into exile due to threats.

[Read the application.](#)

More specifically, Czarina is devoted to denouncing and fighting against rights violations suffered by indigenous communities in Mindanao, to defending cases of detained human rights defenders and to seeking reparation for human rights violations.

FRONTLINE-DEFENDERS AWARD: REINALDO VILLALBA

For this 2021 edition of the Front Line Defenders Human Rights Award, the Observatory has nominated Colombian lawyer Reinaldo Villalba.



EVENT

INTERNATIONAL DAY OF LAWYERS IN DANGER

Since 2009, the International Day of Lawyers in Danger has been held every 24 January in various cities, countries and continents around the world.

The purpose of this international day is to draw civil society and public authorities' attention to the situation of lawyers in a particular country in order to raise awareness of the threats they face in practicing their profession.

AZERBAIJAN 2021

The Observatory participated in the International Day of Lawyers in Danger devoted to Azerbaijan on 24 January 2021. As it does every year, the Observatory provided its members with a mobilisation kit and an information brochure in both digital and paper formats in five languages.



A demonstration took place in Paris in front of the Azerbaijani Embassy in support of the Azeri colleagues.



On 25 January 2021 a conference was organised in collaboration with the UIA-Irol and the AEDH. During this conference we had the honour by the presence of Diego-Gacia Sayan, UN Special Rapporteur on the independence of Judges and Lawyers, who reminded us of the importance of the independence of the profession to safeguard the rule of law. Leyla Madatli presented the report of the International Commission of Jurists on the situation in Azerbaijan, and finally, Emin Abbasov and Samed Rahimli, both Azeri lawyers, shared their testimony on the difficulties in practicing their profession in Azerbaijan.

On that same date, the Azerbaijan Bar Association expressed itself through a letter to the members of the International Day of Lawyers in Danger Coalition addressing the problems of independence of the bar from the executive branch that were identified.



COLOMBIA 2022

In 2022, the Day focused on Colombia, where lawyers, especially those dedicated to the defence and protection of human rights, are prevented from freely practicing their profession. The Observatory has actively mobilised to support Colombian colleagues through various actions. First of all, as it does every year, it has made practical documentation available to its members:

- A document prepared for the International Day devoted to Colombia in 2022 providing essential information to understand the difficulties faced by Colombian lawyers. The Observatory has endeavoured to produce a clear, visual and easily disseminated document.



- An International Day mobilisation kit for our members providing materials to facilitate action and dissemination to mark the date.



- A [poster](#) on the International Day.

In addition, the Observatory organised an online conference with simultaneous interpretation into French, Spanish, Italian and English. In addition to the testimonies from Colombian lawyers who gave us insight into the difficulties encountered in practicing their profession, we had the pleasure of hearing the interventions of Diego García-Sayán, United Nations Special Rapporteur on the Independence of Judges and Lawyers, and Joel Hernández, Commissioner and Rapporteur for Colombia of the Inter-American Commission on Human Rights.

[Watch the event on our youtube channel](#)

In terms of communication, the Observatory issued a [press release](#) and prepared a campaign consisting of video testimonies of Colombian lawyers in danger. Access the videos by clicking on the following links:

[Germán Romero](#)

[Adil Melendez](#)

[Daniel Prado](#)

[Zoraida Hernandez](#)



24 January 2022

ONLINE CONFERENCE
5P.M (GMT +1)



TRANSLATED IN

DAY OF THE LAWYER IN DANGER CONFERENCE : COLOMBIA

Moderator: Alfredo Irujo – Member of the Board of the OIAD

17:05 Opening

Francesco Caia - President of the OIAD

17:10 Lawyers in Danger in the world

Diego García-Sayán – U.N. Special Rapporteur on the independence of judges and lawyers

17:25 Context of the lawyer's practice in Colombia

Franklin Castañeda – Lawyer and President of the Committee in Solidarity with Political Prisoners (CSPP).

17:40 Testimony 1

Germán Romero – Human rights lawyer temporarily exiled in Spain.

17:50 Testimony 2

Lina Peláez – Human rights lawyer specialised in the defence of victims of social protests in Cali.

18:00 Testimony 3

Daniel Mendoza – Colombian lawyer refugee in France.

18:10 Recommendations

Joel Hernández – Commissioner and Rapporteur for Colombia of the Inter-American Commission on Human Rights.

18:25 Closing

Francesco Caia – President of the OIAD

18:30 END of the event

COORDINATION OF THE INTERNATIONAL DAY OF LAWYERS IN DANGER COALITION

Coordination of the International Day of Lawyers in Danger Coalition

This year, for the first time, the Observatory successfully coordinated the international International Day of Lawyers in Danger Coalition.

What is the International Day of Lawyers in Danger Coalition?

The coalition is composed of more than 30 American, European and Asian defence organisations (AED, AIJA, ASF, CCBE, DSF AS, ELDH, ECBA, FBE, DEL Foundation, IDHAE, JRF, LRWC, UIA-IROL, IAPL, Law Society of Ontario, Venice Bar Council, SAD...). It aims to coordinate the joint effort of these organisations in the preparation of the International Day of Lawyers in Danger.

The members of the coalition jointly chose the Observatory to coordinate their work for the 2022 celebration.

How has the Observatory contributed to the work of the Coalition?

From June 2021 to January 2022 the Observatory organised the planning, facilitated the working meetings, drafted the minutes and wrote the report on the situation of the legal profession in Colombia. It carried out preliminary work to gather sources in cooperation with its member organisations, interviewed Colombian lawyers to obtain their testimonies, and studied numerous reports and writings used to draft the report, thereby producing a complete sourced document accurately reflecting the practice of the profession in Colombia.

The OIAD has held several meetings over the past months to reach a consensus on the final document, which has been signed by 30 international organisations and circulated by the signatory members. The report was translated by the Observatory into Spanish and French. Turkish, Chinese and Italian versions were produced by Coalition members.

Lastly, the OIAD compiled a list of events to mark the day. Lawyers' associations, bar associations and lawyers' protection organisations around the world organised numerous actions. Demonstrations were called in front of Colombian embassies in Rome, London, Brussels and Mexico. In addition, more than 10 conferences and symposiums were organised to mark the International Day of Lawyers in Danger.

[Read the report.](#)



**KEEP YOUR HANDS
OFF THE LAWYERS**

PARTICIPATION IN THE “TROBADES DE BARCELONA JACQUES HENRY MEMORIAL” EVENT



Francesco Caia, President of the Observatory, participated on Friday 4 February in the Jacques Henry Memorial conference organized by the Barcelona Bar Association for the Sant Raimon de Penyaforat festival.

Mr Caia participated in the first panel, “Human rights tools to change the world”, where he explained the work of the Observatory as a fundamental tool to protect lawyers.

ROUND TABLE: ASYLUM PROCEDURE FOR LAWYERS AT RISK

16:30 APERTURA

Blas Jesús Imbrada, presidente de la subcomisión de Extranjería y Protección Internacional del Consejo General de la Abogacía Española (CGAE)

Sophia Muller, representante del Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR) en España

17:00 MESA REDONDA: LA ABOGACÍA EN RIESGO Y EL PROCEDIMIENTO DE ASILO

Moderador: Alfredo Inglis - congresista del CGAE y miembro de la Junta del OIAD

17:35 PROGRAMA DE ABOGACÍA EN RIESGO Y ASILO DEL COLEGIO DE LA ABOGACÍA DE PARÍS

Delphine Jaefar - miembro del Colegio de la Abogacía de París y de la Junta del OIAD

17:50 CIERRE DEL EVENTO

18:00 FIN DEL EVENTO

MESA REDONDA: PROCEDIMIENTO DE ASILO PARA LA ABOGACÍA EN RIESGO

Evento presencial con retransmisión en línea
OIAD y Fundación Abogacía Española

24 DE FEBRERO DE 2022 - 16:30

Madrid, Salón de actos del Consejo General de la Abogacía Española

The Observatory and the Fundación de la Abogacía Española organised an event on 24 February 2022 in Madrid to present the current legal framework of the asylum procedure in Spain and reflect on the potential to defend lawyers at risk as asylum seekers and the need to do so. Experts in the field participated in the event, broadcast online, as well as an exiled Nicaraguan lawyer seeking asylum in Spain.

[Watch the event on our youtube channel.](#)



DIRECT ASSISTANCE TO LAWYERS

Lawyers forced into exile

The Observatory supports lawyers forced into exile because of serious death threats in their countries of origin. It accompanies them in this new and particularly difficult stage where they suddenly find themselves in a new country, without financial means, a profession, or housing. In order to react to this type of situation, the Observatory team mobilises in different ways, mainly by providing financial support to ensure that the lawyer has sufficient resources to cover his or her initial expenses upon arrival.

Of course, the support is also legal in the context of the asylum application. When necessary, the Observatory also defrays the cost of the translation services needed in order for colleagues to monitor the asylum application process.

In 2021, two lawyers of Turkish origin were accompanied by the Observatory after having to leave their country quickly to avoid imprisonment for acts related to the legitimate practice of their profession. The two lawyers obtained refugee status after having been financially supported by OIAD and referred to specialist asylum lawyers for their asylum applications.

The Observatory was also able to accompany two Afghan sisters who arrived in France after fleeing their country in a hurry due to serious death threats in Afghanistan following the Taliban takeover.

A Nicaraguan lawyer and his family were also forced into exile in 2021. At the lawyer's request, the Observatory spotlighted his situation visible through the publication of an alert and an intervention in a conference.

Referral to international bodies (Amicus Curiae)

Mexico: the Digna Ochoa y Placido case (Mexico)

At its last General Assembly, the Observatory reasserted its commitment to cover the need for legal assistance to lawyers under threat. In May 2021, [the Observatory and the Fundación de la Abogacía Española submitted a brief](#) to the Inter-American Court of Human Rights (IACHR) for the case of "Digna Ochoa y Placido Family v. Mexico". This emblematic case involves the assassination of the lawyer Digna Ochoa on 19 October 2001. The brief, presented in collaboration with the defence team of the victim and her relatives, highlighted the unfairness suffered by the family of the Mexican lawyer due to errors in the investigation and the failure of the Mexican State to act despite the numerous requests filed by the family.

The work of the Fundación and the Observatory led to the recognition of the Mexican State's responsibility. The Inter-American Court of Human Rights issued a landmark ruling ([link](#)) in this case condemning Mexico for violating the right to life, the safeguarding of legal protection and the right to honour and dignity of human rights defenders.

Colombia: Dilan Cruz case

In response to a request from the Foundation Committee of Solidarity with Political Prisoners (CSPP), in June 2021, the Observatory submitted an [Amicus Curiae](#) brief before the Colombian Constitutional Court in the Dilan Cruz case. The Amicus Curiae was developed with the aim of ensuring a fair trial and contributing to strengthening the work of the victim's endangered lawyer.

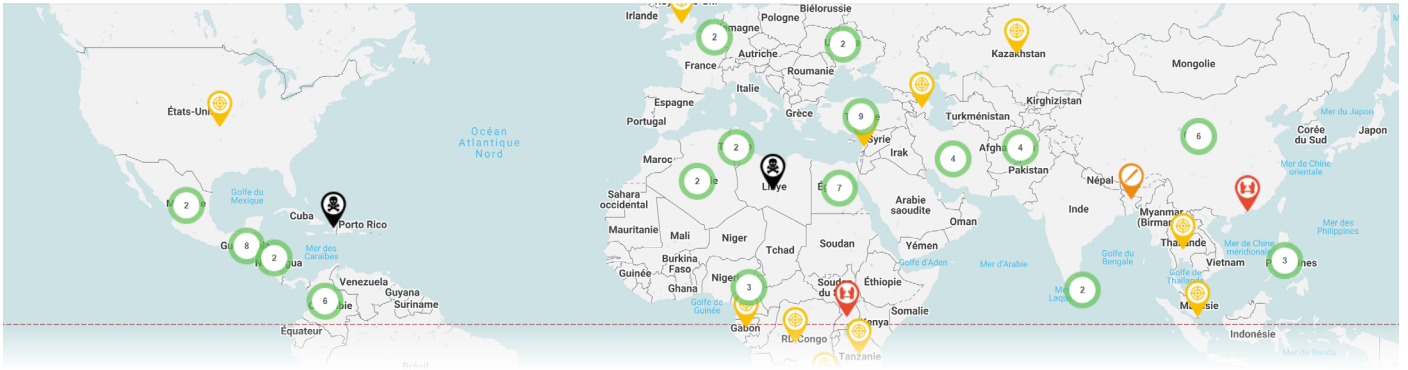
The Dilan Cruz case involves the killing of this young man by a member of the national police during the 2019 Colombian national strike protests. The case was tried by the military criminal court thus limiting the victim's rights of defence.

In June 2021, the Constitutional Court issued a communiqué in which, like the Amicus Curiae brief presented by the Observatory, stated that the natural judge is a guarantee of a fair trial, both for the accused and for the victims. It indicated that in the specific field of criminal law, the natural jurisdiction is the ordinary jurisdiction and therefore that other jurisdictions and, in particular, military criminal justice, is limited and exceptional.

Thus, in the specific case, the Court decided that the criminal proceedings against the national police officer for the death of Dilan Cruz should be transferred to the ordinary courts, thus protecting the victims' fundamental rights to a fair trial and effective judicial remedy.

[See the statement of the Constitutional Court](#) (pages 4-7).

COMMUNICATION



The website

In April 2021, the website was redesigned and modernised. The Observatory now has a regularly updated WordPress infrastructure. The website is hosted by the Lithuanian web provider Hostinger on Dutch servers. The cost of the web infrastructure has been drastically reduced in order to offer a service adapted to the Observatory's needs. The domain name has also been changed to a .org address. The website is currently available in French, Spanish, English, Italian and German. We have the maintenance services of a Spanish provider to keep the website up to date. See the website.

[See the website.](#)

The monthly newsletter

This year, the Observatory has resumed the publication of a monthly Newsletter.

Direct subscriptions to the newsletter can be requested on the website.

Presence on social media

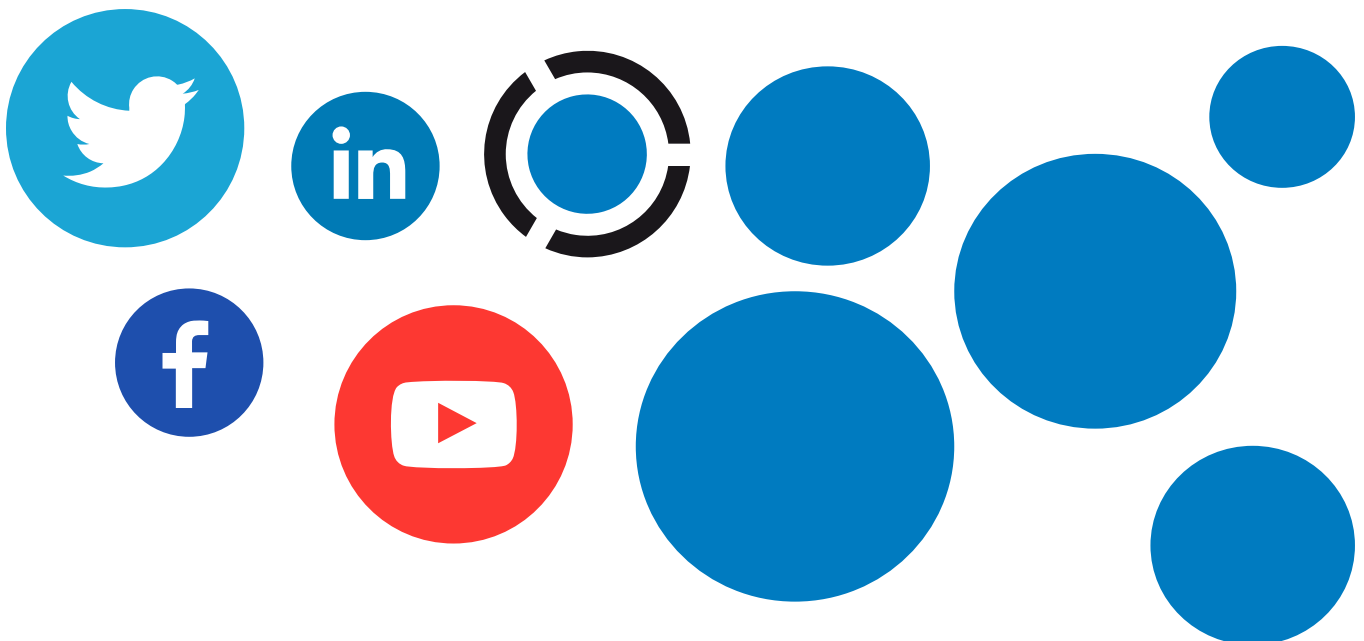
The Observatory has improved its presence on social media by publishing its communications on Facebook, LinkedIn and Twitter. The Observatory is actively working on developing its digital communications in order to make its work accessible to as many people as possible.

One of the Observatory's main tools for protecting lawyers at risk is to spotlight and publicly denounce their situation. In order to improve and more widely disseminate the actions, the Observatory has endeavoured to improve the design of its communications to make them clearer and more visual.

Strengthening institutional ties

The Observatory has strengthened its institutional ties with several defence organisations and bodies. In fact, we regularly collaborate with the UN Special Rapporteur on the Independence of Judges and Lawyers, Mr Diego García-Sayán.

The Observatory is also in contact with Mr Joel Hernández García, Commissioner and Rapporteur for Colombia at the Inter-American Commission on Human Rights.



DRAFT INTERNATIONAL LEGALLY BINDING INSTRUMENT ON THE LEGAL PROFESSION

BACKGROUND

The Council of Europe is working on an international text to protect the legal profession and the free practice of lawyers. This project was initiated by the Council of Bars and Law Societies of Europe. This draft European Convention on the Legal Profession aims to strengthen European and international standards for the protection of lawyers by incorporating the essential principles for their protection into a binding legal instrument.

In 2018, by a large majority, the Parliamentary Assembly of the Council of Europe (PACE) adopted, a Recommendation for a European Convention on the Profession of Lawyer. With this recommendation, PACE asked the Committee of Ministers to draft and adopt a European Convention on the Profession of Lawyer. It also invited the Committee of Ministers to set up a whistleblower's platform for human rights defenders, including lawyers, based on the existing platform to strengthen the protection of journalism and the safety of journalists.

Following the vote, the recommendation was submitted to the Committee of Ministers, which consulted four Council of Europe committees, including the European Committee on Legal Co-operation (CDCJ), which underlined the added value that such a binding instrument would afford and proposed a feasibility study be undertaken.

The feasibility study, published on 19 April 2021, notes that the problems facing the legal profession, both individually and institutionally, are serious and appear to be widespread.

The study concludes in this respect that there is a case for a legally binding instrument on the legal profession that more precisely and comprehensively established the rules. It also concludes that the enforcement of these rules should be entrusted to a body empowered to provide guidance on the implementation of the instrument's provisions and, on an optional basis, to provide advice on class actions by approved entities.

As a result of this study, the CDCJ was mandated by the Council of Ministers to establish a committee of experts to prepare a draft European legal instrument, binding or not, on the legal profession.

MOBILISATION OF THE OBSERVATORY

From the very outset, the OIAD has very attentively followed the work carried out under the aegis of the Council of Europe to elaborate an international legal instrument on the legal profession. On 8 July 2021, the Observatory was heard by the Ambassadors to the Council of Europe on the opportunity to work on the development of a legal instrument. Massimo Audisio represented OIAD at the hearing.

This hearing was an opportunity to present the Observatory's work and to advocate for bolstering existing European standards for the protection of lawyers in the context of their function.

Following this hearing, the OIAD was designated as an observer member in the context of the constitution of the group of experts in charge of drafting the instrument. Thus, in 2022 and 2023, the OIAD will sit alongside other European organisations working to safeguard lawyers' rights, including the CCBE, FBE and ASF.

The first meeting of the Committee, held in Strasbourg from 6 to 8 April, afforded an opportunity for the expert group to discuss the scope of the instrument and the concept of lawyer. The OIAD and the other observer members stressed the importance of the legally binding nature of the envisaged instrument.

As an observer member, OIAD has the right to comment and coordinates with other international observers.

This stands as an international recognition of its role among the organisations defending the profession and ensuring its institutional visibility vis-à-vis the Council of Europe.



OTHER INITIATIVES



Postcards for colleagues in Turkey

In April 2021, the Observatory launched a solidarity operation entitled “Postcards to ten imprisoned lawyers” in order to show them the support of the international community of lawyers.

These postcards, which were written in Turkish, were distributed and printed by each OILD member bar association wishing to participate in the initiative, and the cards were then sent to our imprisoned colleagues. This initiative was warmly welcomed by the Turkish colleagues.

[Lien.](#)

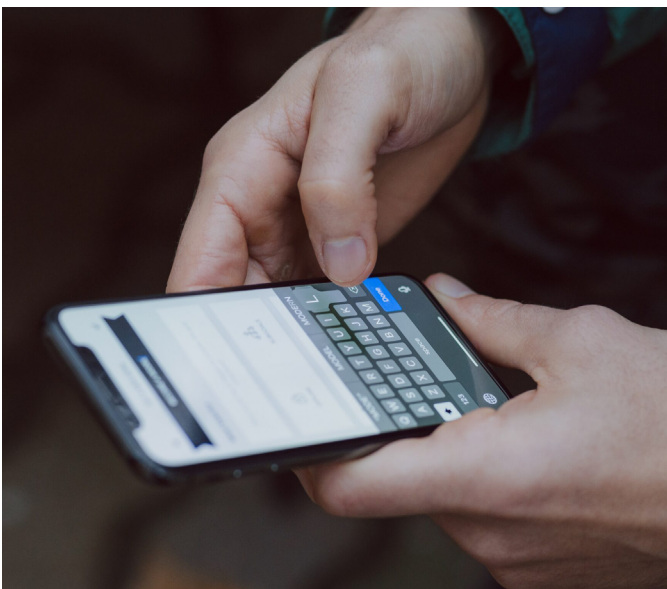


Country sheet - Colombia: justice as a tool of persecution

In July 2021, the Observatory published a country report on the use of the judiciary as a tool for persecution in Colombia. Our Colombian colleagues reported on the judicial persecution they have suffered since the May 2021 demonstrations.

Their report describes the weaknesses of the rule of law and the lack of protection of Colombian lawyers in the practice of their profession.

[En savoir plus.](#)



Denunciation of the Pegasus project

In July 2021, the Observatory issued a statement denouncing the Pegasus project. A massive data leak revealed that the Pegasus spying software, designed by the Israeli company NSO Group, has been used by government clients to monitor not only journalists, human rights activists, and politicians, but also lawyers around the world.

[Lien.](#)



Involvement of the Observatory in the work of the Human Rights Platform

The Observatory is a founding member of the Platform of French NGOs involved in the defence of human rights at the international level. The Human Rights Platform “PDH” provides an umbrella for French NGOs working internationally for the promotion and defence of human rights. It was created in response to the fact that there is no network in France providing an ongoing opportunity for French NGOs working on these issues internationally to exchange views and collaborate with each other. The platform allows members to enhance their visibility, representation and networking and to bolster each other.

This year, the Observatory participated in several training sessions, notably on the security of communications with those at risk. The aim of this training was to learn about secure communication tools for contacting people whose country of origin imposes censorship and traceability of communications. These tools are essential to ensure that those at risk are not harmed by contact with those from abroad and members of NGOs.

In general, the Observatory’s presence on the [Platform’s website](#) enhances its visibility with the French authorities. By participating in the platform, we are also able to make the defence of human rights known among NGOs and our institutional partners as an essential facet their fulfilment.



INTERNATIONAL
OBSERVATORY
FOR LAWYERS