

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

Brussels, 12 March 2015

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

Dear Mr. Grayling,

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 and associate 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. We are particularly concerned by the situation of human rights defenders in the world.

The CCBE previously wrote to you on 2 July 2014 to express our serious concern over the situation of Mr Phil Shiner, a lawyer who has received death threats against both himself and his family. Six months after our letter, we have not received a response.

The CCBE has been recently informed that the Secretary of State for Defence, the Rt. Hon Michael Fallon, as well as several members of Parliament, named Mr Shiner in Parliament and asked him to apologise for his professional activities as a lawyer. Besides, they said that the actions taken by Mr Shiner as well as by his firm, Public Interest Lawyers (PIL), were a systematic abuse of the legal system.

Following this, some newspapers wrote articles highly critical of Mr Shiner. On 17 December 2014, Ben Farmer and Christopher Hope wrote in the Daily Telegraph about the case saying that Mr Shiner and the PIL should face disciplinary actions. Moreover, on 19 December 2014 the Daily Mail published an article written by Richard Littlejohn which said that "these human rights parasites" [referring to Mr Shiner and PIL] "should be tried for treason". Moreover, the article finished with an explicit incitement to violence about killing these lawyers "with a firing squad".

Since these comments were made by politicians and by the media, Mr Shiner has faced a further spike in death threats. In the two days after these views were made known, Mr Shiner and PIL received more than 120 emails related to them, many of them with death threats. Moreover, on 17 December 2014, PIL received several calls from a man who showed his clear intention to kill Mr Shiner. Those facts were reported to the police on the same day, and even though the police were able to identify the offender, the police just contacted him and no further action has been taken.

The CCBE believes that these acts constitute an attempt to silence Mr Shiner and PIL in order to restrict their legitimate activities as lawyers.

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

Principle 14 says that:

Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession.

Also, Principle 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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Principle 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.

Furthermore, Principle 18 says that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

In addition, Principle 20 states that:

Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

In view of the above, the CCBE respectfully urges you to immediately investigate the reported acts of harassment, and start judicial proceedings against the offenders. Moreover, we request you to take all the necessary steps to guarantee the physical and psychological integrity of Mr Shiner. In addition, the CCBE 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 or harassment, in order to preserve the independence and integrity of the administration of justice.

I look forward to hearing from you urgently.

Yours sincerely,



Maria ŚLAZAK
President