

Lawyers for Lawyers Award 2013

Report of the jury

This year, for the second time, Lawyers for Lawyers is awarding a prize to a lawyer, or group of lawyers, who has/have worked to promote the rule of law and human rights in an exceptional way and has/have been threatened or obstructed because of this work.

The recipient of the 2013 Lawyers for Lawyers Award is Magamed Abubakarov from the Russian Federation.

An independent jury was given the humbling and honorable task of reviewing the nominations and deciding which lawyer or group of lawyers would receive the award.

Nineteen nominations were submitted for lawyers from all over the world. Each submission consisted of several nomination letters from local and international NGOs, colleagues in the legal profession and human rights organizations and even officials from foreign states. The jury was very impressed by the time and commitment shown in the elaborate, warm-hearted and detailed nominations, which all gave an in-depth insight into the work and the related danger and risks faced by the nominees. These nomination reports can in themselves be considered an award for each of the nominees, celebrating their work on behalf of people suffering oppression, isolation, powerlessness, poverty and often violence and cruelty.

Needless to say, yet again the jury was assigned an almost impossible task. How can people who demonstrate immense courage and defying great personal danger to themselves be compared with each other?

For this reason, this year the jury has decided to honor the work of two other nominees, second and third on the shortlist. Second on the shortlist is Shahzad Akbar from Pakistan and third on the shortlist are Gustaf Kawer and Olga Helena Hamadi from Indonesia.

The jury started by identifying certain general criteria, looking at the quality and intensity of the work of the person or group concerned in a situation posing real danger for either their personal safety or their ability to continue to practice their profession. And, do they work as a lawyer and/or provide legal aid in a country or area where human rights are seriously violated? The jury went on to examine whether the lawyers concerned had been the actual target of threats, oppression and/or violence.

The jury concluded first that three of the nominees fell outside the framework of these basic criteria, even if their work was of outstanding importance.

The next step was for the jury to produce a further set of specific criteria. Are the risks and dangers in the country or area in question ongoing? And if so, has the nominated lawyer or group of lawyers continued to work while at risk of threats and danger within the country itself?

Weighing up these factors, the jury, in recognition of his work to date as a lawyer and as encouragement for his ongoing work, has chosen as laureate, Magamed Abubakarov

Magamed Abubakarov will receive the 2013 award for his courage. He suffered permanent physical injuries in an attack related to his work as a lawyer. Abubakarov focuses his work on

politically sensitive cases, often related to accusations of terrorism and to illegal indictments and ill-treatment by courts and security forces in Chechnya and the North Caucasus Republic of Kabardino-Balkaria. Many of his clients have been tortured in detention and denied access by a lawyer.

The charged and violent situation in the North Caucasus and the relentless involvement of Russia poses great danger for a lawyer like Abubakarov. Since he started working on the mass criminal prosecution in Nalchik, the capital of Kabardino-Balkaria, in 2007, he has been the target of threats and persecution, which forced him to leave Russia twice. For three months he was the guest of the Shelter City program in The Hague. Upon his return to Russia the threat immediately started again. It is a testament to his great courage that he went back to Russia, where he is subject to suspicion and discrimination by the security forces, and continues to work in dangerous and even life-threatening circumstances.

The Nalchik trial relates to the so-called terrorist attack on Nalchik in 2005. All of the 58 defendants have already been detained for eight years, with the end of the trial not yet in sight. One of Magamed's clients in this trial is a former Guantanamo prisoner, Kudayev, who since his return to Russia has been subjected to all kinds of harassment and torture. Magamed has argued the importance of proper investigations into the abuses and torture of his client. His perseverance and dedication has made it possible to bring the case before the European Court of Human Rights.

One nomination letter calls Magamed 'one of the most ethical, dedicated and capable human rights lawyers working in the region'. And it continues: 'Magamed is a rare find in a region dominated by lawlessness and corruption; a lawyer who believes that the law should be upheld and who will not under any circumstances compromise on the demand for justice, even under serious pressure and threats to his life. It is lawyers like Magamed who keep alive the hope that the rule of law will one day be upheld in the North Caucasus.'

The jury decided unanimously and with pride that Magamed Abubakarov will receive the Lawyers for Lawyers Award and hope that this award will encourage him to continue his brave and sorely needed work in a dire and dangerous situation.

After the conclusion of our jury report and the invitation of the Lawyers for Lawyers Award laureate, we were made aware of the comments Mr Frans Timmermans, the Dutch Minister of Foreign Affairs, made in his human rights report of 2012 (8 April 2013) in which he mentions the importance of the work of our laureate.

Second place goes to Mirza Shahzad Akbar from Pakistan. He has for many years campaigned on behalf of civilians killed by the illegal drone strikes by the US in Pakistan's federally Administered Tribal Areas. Investigations reveal that an estimated 3500 people have been killed in the strikes, including 176 children.

Shahzad's involvement began when he met Kareem Khan who had lost both his sons and a brother in a US unmanned drone attack. Nobody wanted or dared to take up his case, but Shahzad filed an unprecedented criminal complaint against the head of the CIA in Pakistan, forcing that official to flee the country. He currently represents more than 100 families who have lost loved ones in the attacks. Both before the Pakistani courts and the UK High Court he has argued for the responsibility and accountability of the states involved. The UK Court

case concerned the sharing of intelligence between the British secret service and the CIA. Shahzad is a barrister at Lincoln's Inn in London and previously worked as a prosecutor in Pakistan in corruption cases against officials including former PM Benazir Bhutto.

Investigation in the Tribal Areas, as well as access to his clients in these areas is dangerous and full of personal risk. The US has actively tried to prevent Shahzad speaking in the US about the drone attacks and the cases he is pursuing.

Here is a lawyer standing up against the greatest powers in the world. The jury considered that Shahzad is developing a new area of law, standing up for victims who until now have had no access to law. He is a pioneer in the field of human rights in the context of new forms of warfare.

Joint third place goes to Gustaf Kawer and Olga Helena Hamadi. Both lawyers work with the Civil Society Coalition for the Rule of Law and Human Rights in Papua. Papuans human rights situation is in a bad state and violations are often invisible, committed in areas where hardly anybody dares to go. Both lawyers seek access to defendants in criminal cases who have been accused of treason and incitement for the sole reason that these Papuans express their political views and take part in demonstrations. Also, they take up the cases of civilians sexually harassed by members of the Indonesian navy and of activists working for the independence of Papua. Access to justice is difficult in Papua due to weak civil and law enforcement institutions. Internationally the human rights violations in Papua are largely ignored, even in The Netherlands that has historical ties to the region. Kawer and Hamadi are both obstructed in their work, intimidated, thrown out of the courtroom and constantly monitored by intelligence forces. In addition Hamadi also faces discriminatory practices against her as a female lawyer. They are a beacon of light in a region where people have lost their confidence in the legal system and are confronted with violence whenever they protest against the rampant injustice done to their people. These two lawyers show great and ongoing courage in standing up against the powerful state of Indonesia, in a situation largely ignored by the outside world.

The Jury

Heikelien Verriijn Stuart (president); Lawyer, publicist, member of the Advisory Council on International Affairs and the Commission on Restitution of Cultural Property from World War II, President of the Human Rights Film Festival Movies that Matter, chair Nuhanovic Foundation, Center for War Reparations;

Egbert Myjer; Former Dutch judge and advocate-general. Former judge of the European Court of Human Rights for the Netherlands (2004-2012). Professor in human rights at the Vrije Universiteit Amsterdam;

Theo van Boven: professor emeritus in international law at the University of Maastricht. Has held several posts for the United Nations, including Special Rapporteur on Torture;

Els Swaab: Mediator, arbitrator and (binding) advisor at Reuling Schutte in Amsterdam, former president of the Amsterdam Bar Association, former partner of the law firm Boekel de Nerée and former president of the Dutch Culture Council.