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Cc: urgent-action@ohchr.org

4th September 2020

Dear Mr Diego Garcia-Sayan, dear Prof Gonzales Morales, dear Prof Melzer, dear Prof Lawlor,

Subject: Urgent request for joint action regarding UK Home Office tweet

Further to my email [of 27th August 2020], I wish to update you about further developments in relation to the Home Office video referring to "activist lawyers".

Following the outrage by lawyers and their representative bodies (including the Bar Council: <https://www.barcouncil.org.uk/resource/bar-council-condemns-misleading-communication-by-government.html>), the Home Office amended their video removing the term "activist lawyers" and replaced it with "last minute claims and legal challenges":

<https://twitter.com/ukhomeoffice/status/1301561829555146754>

Yet, yesterday, the Home Secretary (Priti Patel) retweeted the amended Home Office video using the term "activist lawyers" in a tweet posted on her own Twitter account which has over 278,000 followers stating as follows:

"Today we removed people who came here via small boat. They had previously claimed asylum elsewhere and had no legal right to be in the UK. Removals continue to be frustrated by **activist lawyers**, but I will not let up until this route is unviable."

<https://twitter.com/pritipatel/status/1301590225936953346>

The Home Secretary has hence personally re-opened the targeting of lawyers and their role by insisting on the use of the term "activist lawyers" from her own Twitter account which bears the description of her as Home Secretary. This indicates that the Home Secretary has personalised the targeting of lawyers for doing their jobs despite last week's outcry against the use of the term in a Home Office video and a complaint to the Home Office which resulted in the video being amended and the Home Office's most senior civil servant admitting that the term should not have been used.

This tweet and the Home Secretary's actions underline the personalisation of what clearly appears to now be a central Government campaign based on labels such as this during a time when the Government is also conducting a review into the constitutional mechanism of judicial review in particular the possibility of curbing its use and availability to challenge or scrutinise Government decisions (as a result of the Brexit and Prerogative cases where judges were labelled as "enemies of the people" for upholding the rule of law against unlawful Government decisions) (see further below).

This is supported by a 'government source' being quoted as responding to the initial outcry as follows:

"There's a bunch of particularly loudmouthed lawyers and barristers who seem to spend more time on social media than representing their clients, who think even the mildest criticism of their profession will bring about the destruction of democracy. It's patently absurd and they'd be better off leaving leaving this kind of hysterical ranting to Her Majesty's Opposition."

<https://www.lawgazette.co.uk/news/activist-tweet-deleted-as-number-10-targets-loudmouthed-lawyers/5105445.article#.X0jGlwofC6g.twitter>

https://twitter.com/BarristerSecret/status/1299246262026469377?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1299246262026469377%7Ctwgr%5Eshare_3&ref_url=https%3A%2F%2Fwww.legalcheek.com%2F2020%2F08%2Fhome-office-deletes-activist-tweet-amid-complaints-about-loudmouthed-lawyers-on-social-media%2F

The Home Secretary's actions compound the sustained attack as described in my email [of 27.8.20], it also is a defiant message to lawyers performing their roles (as close to a threat as is publicly possible in terms of the UK context) that no amount of outcry will deter the Home Secretary from targeting those whom she believes as those standing in the way of her or Government policies including those working to ensure the upholding of the rule of law in particular international human rights law and international refugee law.

As set out also in my email [of 27.8.20], by continuing this public narrative, she is also attempting to undermine the legitimacy, public acceptability and importance of international human rights instruments in the UK. (Where such a process can lead has been illustrated by a continuous anti-EU narrative.) The anti-migrant rhetoric is continuing.

The tweet also suggests that the removal of the term from the video is merely cosmetic and that the Government is not taking its international obligations seriously and is not complying with its duties pursuant to paragraphs 16 and 18 of the UN Basic Principles on the Role of Lawyers.

Here some reactions to the Home Secretary's tweet:

Bar Council: <https://twitter.com/thebarcouncil/status/1301611441854779395>

My tweets: <https://twitter.com/ChambersofJD/status/1301792524491784197>

<https://twitter.com/ChambersofJD/status/1301801375907680256> (referring also to restrictions on access to justice and judicial review)

In terms of the concerns about the Government's plans to review and restrict the use of judicial review (and the importance of judicial review including in relation to the rule of law, immigration/human rights and environmental matters), please see:

<https://www.gov.uk/government/news/government-launches-independent-panel-to-look-at-judicial-review> (Government position)

<https://www.lawgazette.co.uk/legal-updates/government-announces-independent-review-of-judicial-review/5105287.article>

<https://www.theguardian.com/law/2020/feb/11/what-is-judicial-review-and-why-doesnt-the-government-like-it>

<https://www.penningtonslaw.com/news-publications/latest-news/2020/the-future-of-judicial-review-are-changes-afoot>

<https://www.thetimes.co.uk/article/dominic-cummings-and-boris-johnson-are-trying-to-put-the-government-above-the-law-kptx53hw3>

<https://www.theguardian.com/uk-news/2020/feb/10/judicial-review-home-office-deportation-flight-jamaica>

Kind regards,

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