

1. Letter writing guide

(NB unless otherwise indicated, references to paragraphs or annexes refer to [the Intervention Manual, December 2011](#))

Overview

- 1.1. Drafting volunteers will be provided with the research, factual and legal, that has already been carried out by a research volunteer.
- 1.2. If you have not already done so, you should address the 'Preliminary issues' set out at paragraphs 26.3 to 26.5 above.
- 1.3. Select the facts which are material to and which illustrate the human rights issues already identified.
- 1.4. Identify the relevant provisions of international law which are relevant to the facts and issues already highlighted.
- 1.5. You will then draft your letter using the four section structure described below at point 1.11. In summary, the four sections are:
 - Introduction
 - Facts
 - Law
 - Request
- 1.6. You then post your drafting in the pro-forma web-form via the IAT members-only website (or for corporate members, in accordance with any other instructions from your pro bono manager). An illustration of what the pro-forma looks like can be found at Annex 7.

Core ingredients

- 1.7. Remember to state in your letter, where appropriate:
 - the mandate under which the letter falls (e.g. that the victim is a lawyer, doing job of a lawyer or assisting a lawyer; the incident is a breach of well-established international law which diminishes respect for the rule of law; is part of a consistent pattern or is a gross or systemic violation which is of wide-spread international concern or which undermines the whole justice process). See paragraphs 26.3 to 26.5 for guidance;
 - the Law Society's key concern (e.g. We are concerned in case Mr X is being targeted because of his legitimate work as a lawyer in representing a client [e.g. who is out of favour with or taking a case against the government] etc);
 - the alleged real reason for the mistreatment (e.g. it has been alleged by several respected NGOs that criminal libel proceedings have been brought against Mr X to disrupt his legitimate work as a lawyer); and
 - the practical consequences of the (non-)actions of the authorities (e.g. it is impeding the legitimate work of a lawyer).

Tone

- 1.8. It must be remembered that the Law Society is a professional body representing lawyers and is not primarily a human rights or campaigning organisation. Thus, interventions should reflect the impartiality of the Law Society and serve to maintain its national and international standing and its international relations.
- 1.9. Do not give the impression that the intervention is ideological or politically opposed to the government in question. It is more effective to stress that the Law Society's even-handed concern for human rights is based on adherence to recognised principles of international law with which the state is expected to uphold. In this way, compliance is a rule of law issue. Where possible we highlight a country's reputation for justice or respect for the rule of law and demonstrate an understanding of its current practical difficulties.
- 1.10. This approach helps to differentiate the Law Society from standard human rights bodies and may make governments more receptive to our message rather than being dismissed out of hand.

Structure

- 1.11. The standard structure for intervention letters consists of four main sections: introduction, facts, law and request. Paragraphs 27.38 and 27.39 contain two sample intervention letters which the Law Society wrote in 2006 in which the four sections have been clearly marked. The four sections are described in more detail as follows:

1. Introduce the Law Society

- 1.12. Each letter contains a short introductory paragraph explaining what the Law Society is and why it writes interventions. The following sample letters contain standard wording for this paragraph. Please note the Law Society now represents over 150,000 solicitors in England and Wales.

Letters relating to death penalty issues can include the following policy statement which was adopted by the Law Society in February 2009 and which brings the Law Society into line with the majority of international opinion and bar associations:

“The Law Society calls upon states who still maintain the death penalty to establish a moratorium on executions with a view to progressively reducing the number of offences for which it may be imposed and abolishing the death penalty completely at the earliest possible opportunity.”

2. Outline the facts of the case

- 1.13. The second section sets out the factual scenario.
- 1.14. Background facts provide context and can establish whether the latest incident forms part of a consistent pattern of behaviour or is a symptom of a wider systemic problem, where relevant.

- 1.15. The material facts, which describe the current incident, often are best laid out in chronological order.
- 1.16. Accuracy is of the utmost importance. Details such as dates and exact nature of maltreatment should be verified or corroborated before being used. Sufficient information about the identity and location of the victim or incident should be provided so that the addressee, assuming that they were previously unaware of the incident, would be able to investigate and identify the matter now that we have raised it.
- 1.17. In addition, the facts of the case should be presented diplomatically. To these ends, use phrases such as “allegedly”, “received credible reports that”, “we have been informed that”, “it has been widely reported in the media that” or “[well-known organisation or respected expert] has said that”, where necessary.
- 1.18. Rather than expressly accusing a foreign government of breach of international law, we often set out the reported events and then draw the state's attention to the international legal standards that would be relevant if the reports are true.
- 1.19. Despite this technique of juxtaposing rather than directly accusing, drafters must ensure that the facts act as signposts pointing to the law to come in the next section. Related issues, facts and law must contain a common thread so that they are linked, even if their positions in the text are dislocated due to the four section structure.
- 1.20. If the Law Society has intervened in this case or similar cases before, this needs to be made clear, including when and who wrote to the particular recipient – e.g. “*My colleague and immediate predecessor [X] wrote to you in [year Y] to express concern over [Z]*”. Copies of previous interventions can be obtained from the Human Rights Adviser.

3. Relevant extracts from international, and sometimes domestic, law

- 1.21. As a rule of thumb, try to quote only one provision of law per human rights issue. If there are several competing provisions that could be used, choose the most persuasive one (which is usually a ratified treaty rather than soft law).
- 1.22. Please ensure that each extract implicitly links to a material fact stated above.
- 1.23. Domestic law of the country in question should be used carefully, especially in the absence of specific knowledge about the case law and legal structure of that country.
- 1.24. Where relevant, the month and year that a country became party to a particular treaty should be stated. Check whether any TREATY you rely on has been ratified, has come into force or has any relevant reservations. Click here to check:
<http://www2.ohchr.org/english/bodies/ratification/index.htm>

4. The Law Society's requests

- 1.25. This section outlines what the Law Society, in the context of its role as an independent body seeking to uphold the rule of law, requests of the relevant national authorities. The Law Society requests usually relate to the use of due process and adherence to human rights standards.
- 1.26. Very often, especially if we do not have sufficient evidence to identify the actual perpetrators, the Law Society will appeal to the state's positive duty to protect against, investigate and remedy human rights violations regardless of who has committed them.
- 1.27. When facts are highly disputed or when the Law Society should not be seen to be interfering with or prejudicing ongoing court or investigative processes (even if the suspicion is that they are sham), the Law Society may prefer to request assurances from the government rather than to demand direct action (for example, assurances that no violations are taking place or to do their utmost to ensure that due process and human rights are upheld).

Addressee

- 1.28. The researcher will have identified the name(s) and address(es) of the potential recipient(s) of the intervention. The drafter will have to decide to which of these to address the letter.
- 1.29. Usually we write to high government officials (e.g. President or Prime Minister) so that it comes to the attention of the most powerful offices of government. Ideally, we would also send a copy to the person(s) who will actually implement any solution (e.g. providing protection, launching an investigation or releasing from custody, perhaps Minister of Justice, or local Police Chief etc). This will require additional research and consideration into the legal structure of the country to understand how political power is allocated there.
- 1.30. If you are unsure whether the person to whom you are writing has the power to carry out the actions we are requesting (e.g. launch an investigation, release from prison etc), then you can modify the wording of section four along the following lines:

“We request that you use all the powers vested in you to ensure....”
“We request that you use all means available to your good offices to ensure...”

Salutation

- 1.31. The drafter will also have to decide which salutation should be used to address the recipients. The following websites may provide guidance or examples:
 - Ministry of Justice archived “Forms of Address”
www.justice.gov.uk/guidance/forms-of-address.htm
 - Amnesty International – Write for rights
<http://www.amnesty.org.uk/content.asp?CategoryID=10673>

Other drafting dos and don'ts

- 1.32. Remember not to confuse signature of a treaty with ratification. A state having "*signed*" a treaty, does not mean that it is binding on that state. The treaty may still require ratification and entry into force. If the state is a signatory but has not ratified the treaty, then, where appropriate, you may still refer to the treaty by stating that "*under article 18 of the Vienna Convention on the Law of Treaties*" the state must "*refrain from acts which would defeat the object and purpose of a treaty*".
- 1.33. Be relatively brief. A good rule of thumb is that Law Society interventions are usually no more than two pages long. It is not necessary to quote long or numerous sections of law in the interventions letter – only rely on the most relevant provisions.
- 1.34. An intervention is not intended to be a legal submission. Therefore, detailed legal argument is not required. The intervention is simply meant to express the Law Society's concern about potential non-compliance with the rule of law or international legal standards.
- 1.35. Often we will not have the time or resources to translate the intervention letter. Therefore, it is likely to be read by non-native English speakers. Please try to use straightforward and non-technical language so that it is accessible to foreign readers.
- 1.36. Finally, post your drafting in the pro-forma web-form via the IAT members-only website (or for corporate members, in accordance with any other instructions from your pro bono manager). An illustration of what the pro-forma website looks like can be found at Annex 7.
- 1.37. As stated in paragraphs 5.17 and 5.18, we cannot guarantee that all draft interventions will make it to fruition. If your work is discontinued, we will often still make alternative use of it.