

# national lawyers guild

*"An organization of lawyers, law students, legal workers, and jailhouse lawyers... in the service of the people, to the end that human rights shall be regarded as more sacred than property interests."* Preamble to the NLG Constitution

Dear President Meric Gertler, University of Toronto;

On behalf of the National Lawyers Guild, the oldest and largest progressive bar association in the United States, we write with urgent concern about the decision of the Dean of the University of Toronto School of Law to rescind an offer of employment to Dr. Valentina Azarova after it had already been made and accepted. [1] Given the extremely irregular actions of the Dean in this case and the subsequent resignation of faculty search committee members in protest, it appears that Dr. Azarova's offer of employment as director of the law school's International Human Rights program was rescinded due to her scholarship on human rights and international law in occupied Palestine.

Dr. Azarova is a renowned international scholar who recently participated in the NLG's 2020 convention, contributing an in-depth presentation on the law of occupation to our continuing legal education (CLE) program. Over the past 15 years, Dr. Azarova has been involved in strategic litigation, legislative reform, the development of human rights mechanisms in addition to her legal scholarship. She has consulted for a number of United Nations mandate-holders, governments, international bodies and civil society institutions, and she has taught international law since 2009. [2]

She was unanimously the first choice of the hiring committee for the directorship and was offered the position on August 11, 2020 before accepting it on August 19. She was already in communication with the University's legal representatives to handle the immigration formalities necessary for her to receive a work permit in Canada.

Reports indicate that a sitting judge at the Tax Court of Canada, also a prominent donor to the School of Law, complained to the Dean about Dr. Azarova's selection, specifically due to her well-regarded scholarship on international law in the Palestinian context. The hiring process was, of course, intended to be confidential, yet this judge was somehow made aware of it. Further, media reports indicate that the first complaint was actually made to a fundraising official before the donor then proceeded to contact the dean.

Following this donor's complaint, highly unusual for a sitting judge, the School of Law's contract negotiations were abruptly terminated without notice to Dr. Azarova or the faculty hiring committee. As a result, the committee members unanimously resigned in protest, stating that political interference in the university's academic mission was unacceptable. Rather than reinstate Dr. Azarova's offer of employment, the university then cancelled the search for a director for the international human rights program. Rather than respond clearly to accounts of this donor's interference in the hiring process, the dean has simply dismissed reports of external political influence as "uninformed and speculative rumours."

As an organization committed to the principle that human rights and the rights of ecosystems are more sacred than property rights, we are deeply concerned that an international human rights law hiring process has been subjected to political manipulation that fundamentally undermines human rights principles. The universality of human rights is clearly under assault here, with the principle that Palestinian human rights must somehow be excised and labelled unacceptable, despite Dr. Azarova's approach reflecting a normative understanding of international law and the obligations it imposes.

The withdrawal of the offer to Dr. Azarova also quite clearly comes amid ongoing suppression of expression related to Palestine, especially on university campuses. This is a pervasive form of repression of speech and scholarship that, in this case - as in other prominent cases in academia, such as that of Dr. Steven Salaita at the University of Illinois - Urbana-Champaign - reflects that scholarship on Palestine is subjected to the threat of severe personal and professional repercussions. [3] Meanwhile, this comes as Israel's own occupation and oppression of Palestinians deepens and intensifies, while scholars, advocates and researchers who uphold Palestinian rights under international law are subjected to silencing, repression and denial of employment.

We urge you, President Gertler, to launch a clear and transparent investigation into the credible accounts of interference in the hiring process for the international human rights director at the School of Law. We further urge you to apologize to Dr. Azarova and all of the affected faculty and staff and reinstate her offer of employment, providing her with the appropriate time to handle immigration matters now that her hiring process has been so unjustly and inappropriately interrupted. We further urge the University of Toronto to protect the expressive and academic rights of its faculty, staff and students, including and particularly on critical global questions around which international human rights law is so relevant, especially on Palestine.

Best regards,

National Lawyers Guild

[1] This matter has been widely reported in multiple publications:

<https://www.theglobeandmail.com/canada/article-u-of-t-law-school-under-fire-for-opting-not-to-hire-human-rights/>, <https://www.theglobeandmail.com/canada/article-canadian-judicial-council-urged-to-investigate-judge-accused-of/>; <https://www.aljazeera.com/news/2020/09/racism-appointment-row-toronto-university-200919163253751.html>

[2] <https://nlginternational.org/2020/09/sept-21-join-the-nlg-ic-cle-at-the-convention-the-law-of-occupation/>

[3] <https://www.thenation.com/article/archive/steven-salaita-i-will-always-condemn-injustice-no-matter-the-state-of-my-employment/>