

September 12, 2020

Professor Edward Iacobucci, Dean
University of Toronto Faculty of Law
78 Queens Park
Toronto, Ontario
Canada

Via email

Dear Dean Iacobucci:

We write as former Directors of the International Human Rights Program at the Faculty of Law. On Friday, we learned that Professor Audrey Macklin had resigned her position as chair of the IHRP's Faculty Advisory Committee and of the circumstances giving rise to her resignation.

As the human rights community in Canada and elsewhere have been acutely aware, the IHRP has been without a permanent director for over a year. During that time, the Faculty of Law has initiated two searches for a Director with the international human rights background and expertise necessary to steer the program. As a result of the most recent search, the hiring committee, chaired by Professor Macklin, identified two viable candidates for the position. The hiring committee advised the Faculty that should neither of these candidates accept the position, there were no further options from the current pool and it would be a failed search.

Happily, Dr. Valentina Azarova – the hiring committee's top candidate – accepted the Faculty's offer in mid-August. Dr. Azarova's human rights practice in domestic and international settings over the past 15 years has been wide-ranging and impressive. She has carried out strategic litigation, legal advocacy, and legislative reform. She has worked to establish human rights enforcement mechanisms in Europe and beyond, and has regularly advised and consulted for United Nations fact-finding missions and mandate-holders, governments, and civil society. She has taught international law and international human rights law since 2009, and established and taught clinical offerings since 2012. She holds a doctoral degree from the Irish Centre for Human Rights at NUI Galway, and has lived and worked in the Middle East and Africa.

The IHRP's most recent Director, Samer Muscati, immediately began working to help Dr. Azarova understand the duties of the Director and the foci areas of the IHRP to date. In the meantime, the Faculty of Law put Dr. Azarova in touch with immigration counsel to advise her on her options for securing a permit to work in Canada, and Dr. Azarova began planning to move with her partner from Germany to Toronto, where her stepchildren reside. In early September, however, Professor Macklin was advised that the Faculty had been contacted by a judge of the Tax Court of Canada, who had expressed concern about Dr. Azarova's scholarship on the operation of international law in the context of Israel's occupation of the Palestinian Territories. Shortly thereafter, Dr. Azarova's offer was rescinded by the Faculty. It is now our understanding that starting this week, you will be interviewing candidates already deemed by the hiring committee as unsuitable for the position of IHRP Director.

We recognize that it is the Dean's prerogative to make the ultimate decision with respect to hiring at the Faculty of Law. We expect, however, that such decisions be made in good faith. We are therefore alarmed by the sequence of events, which strongly suggests improper external interference by a member of the

judiciary in the hiring of the IHRP Director as well as a serious breach of confidentiality in the hiring process. Given that the essential nature of international human rights practice is to hold the powerful to account, any IHRP Director and their work will unavoidably be the subject of criticism from some quarters. As a staff appointment, the position of IHRP Director does not confer academic freedom. The IHRP Director's security of tenure is particularly vulnerable, and the Faculty of Law should stand as a bulwark against external pressures to the IHRP's work. Instead, the facts suggest that your office has caved to political pressure.

If the Faculty of Law chooses to install a new IHRP Director from a pool of candidates that the hiring committee has already rejected as unsuitable and unqualified for the position, it will send the message that the University of Toronto's law school has little interest in providing a serious experiential learning program in international human rights practice, at a time when the need for lawyers committed to preserving and advancing fundamental freedoms at home and abroad is greater than ever. Such a step would diminish the reputation of the Faculty of Law and irrevocably damage the reputation of the IHRP and all those associated with it.

Instead, we urge you to renew the Faculty's offer to Dr. Azarova, whose breadth of practice and depth of expertise would be a tremendous contribution to the student experience, and whose reputation and networks in the global human rights community would bring credibility to the IHRP and the University of Toronto. We understand that her immigration status may result in some delay before she can formally start at the IHRP. However, we believe that after a 12-month search and the interests at stake, she is worth a few months' wait.

Sincerely yours,

Carmen Cheung and Samer Muscati