

# Day of the Endangered Lawyer 24<sup>th</sup> January 2023

## 14th edition – IRAN

### A. Introduction:

Since 2010, the International Day of the Endangered Lawyer has been observed on 24 January in cities, countries, and continents around the globe.

This date was chosen as the annual International Day of the Endangered Lawyer because on 24 January 1977, four lawyers and one of their co-workers were murdered at their address at Calle Atocha 55 in Madrid, an event that came to be known as the Massacre of Atocha.

Each year, this day is organised by the Coalition for the Endangered Lawyer, a network of national and international legal organisations and bar associations.

The purpose of this International Day is to draw the attention of government officials, international institutions, civil society, the media and the general public to the plight of lawyers in a particular focus country, to raise awareness about the threats the lawyers in that country face in the exercise of their profession.

In previous years, the Day has been dedicated to countries including Afghanistan (2023), Colombia (2022 and 2014), Azerbaijan (2021), Pakistan (2020), Turkey (2019 and 2012), Egypt (2018), China (2017), Honduras (2016), the Philippines (2015), Basque Country/Spain (2013)<sup>1</sup>, and Iran (2010).

This year, the International Day of the Endangered Lawyer focusses on Iran once again. As set forth below, the situation confronting Iranian lawyers today is extremely dire. This report first outlines the applicable legal framework, highlighting the United Nations Basic Principles on the Role of Lawyers. Next, the report describes the structural problems that are affecting the profession. It then illustrates the situation of lawyers and legal professionals through profiles of a number of individuals at risk. It also underscores the responsibility of other states with regards to the calls for help coming from the Iranian lawyers and human rights defenders. Finally, the report makes demands and recommendations in order to improve the situation of lawyers in Iran and elsewhere around the world.

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<sup>1</sup> CCBE, UIA-IROL, l'Ordre français des avocats du barreau de Bruxelles and l'Institut des Droits de l'homme du Barreau de Bruxelles did not support the Day in 2013 when it focused on Spain/the Basque Country. The signing of this report does not change in anyway their position on this issue.

## **B. Applicable legal framework:**

International law expressly recognizes the unique role that lawyers play in any society. Because lawyers serve as the guardians of justice for all, international law accords lawyers special protections.<sup>2</sup> For example, the United Nations Basic Principles on the Role of Lawyers provide that “[l]awyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.”<sup>3</sup> In other words, clients’ positions and causes are not to be attributed to their counsel. The U.N. Basic Principles also provide that governments are to “ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.”<sup>4</sup> In addition, “[w]here the security of lawyers is threatened as a result of discharging their functions,” the U.N. Basic Principles state that the lawyers “shall be adequately safeguarded by the authorities.”<sup>5</sup> Further, the U.N. Basic Principles prohibit discrimination in lawyer licencing based on criteria such as sex, ethnic origin, religion and “political or other opinion.”<sup>6</sup> And the U.N. Basic Principles provide that governments are to ensure that “access to lawyers [is] provided for all persons within their territory.”<sup>7</sup>

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<sup>2</sup> See generally United Nations Basic Principles on the Role of Lawyers (7 Sept. 1990), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>; cf. United Nations Basic Principles on the Independence of the Judiciary (6 Sept. 1985), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>; United Nations Guidelines on the Role of Prosecutors (7 Sept. 1990), <https://www.ohchr.org/en/instruments-mechanisms/instruments/guidelines-role-prosecutors>; United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (9 Dec. 1998) (“U.N. Declaration on Human Rights Defenders”), <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>.

In addition to the special rights and protections to which they are entitled, lawyers – like all people – are endowed with the rights set forth in the Universal Declaration of Human Rights. See Universal Declaration of Human Rights (10 Dec. 1948), <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>. Under the Universal Declaration, all people have the right to a “fair and public hearing” in both civil and criminal matters (Article 10), which presupposes access to a lawyer, an independent legal profession, and an independent judiciary. The Universal Declaration also recognizes the rights of all to “freedom of opinion and expression” (Article 19) and “freedom of assembly and association” (Article 20). In addition, the Universal Declaration sets forth “the right to work, [and] to free choice of employment” (Article 23(1)), as well as “the right to a standard of living adequate for the health and well-being of himself and of his family” (Article 25(1)). Further, the Universal Declaration establishes that “[e]veryone has the right to leave any country, including his own” (Article 13(2)). Lastly, with respect to the enumerated rights, the Universal Declaration expressly prohibits discrimination on the basis of, *inter alia*, “sex, . . . religion, political or other opinion, [and] national or social origin” (Article 2). The plight of Afghan lawyers implicates each of these fundamental rights, among others.

<sup>3</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 18.

<sup>4</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 16.

<sup>5</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 17.

<sup>6</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 10.

<sup>7</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 2.

The U.N. Basic Principles explicitly recognize the “vital role” that bar associations play, “protecting [bar] members from persecution and improper restrictions and infringements.”<sup>8</sup> The U.N. Basic Principles also underscore lawyers’ rights of “freedom of expression, belief, association and assembly,”<sup>9</sup> and specifically state that bar associations must be permitted to “exercise [their] functions without external interference.”<sup>10</sup>

Like all lawyers everywhere, the lawyers of Iran are entitled to all of these rights and protections.

### **C. An overview of the development and situation of the legal profession in Iran**

The 1906 Constitutional Revolution is recognized as the date when the legal profession was formed as a modern judicial system in Iran. The 1911 Law of Judiciary Organisation established a secular judicial hierarchy. Within this law, the judges' functions were defined and they were differentiated from prosecutors. In addition, it introduced the First Charter of Attorneyship, mandating lawyers to pass a bar examination before entering legal practice.<sup>11</sup>

The first Bar Association, was established in 1921, but it did not have financial and legal independence and was functioning under the Ministry of Justice. The Ministry of Justice also was in charge of issuing, renewing, and revoking the attorneys' licenses. The new judiciary, cautious of an organized body of attorneys, neither tolerated an independent bar association nor fostered the growth of the legal profession.<sup>12</sup>

In 1930 the association of lawyers was formed, however it was still under the auspices of the Ministry of Justice. The Law of Attorneyship, adopted in 1937, granted legal personality to the Iranian Bar Association (IBA) for the first time. With this law the IBA gained financial independence, however, some organizational arrangements, such as the appointment of its Board of Directors, remained under the control of the Ministry of Justice.<sup>13</sup>

The IBA gained its full independency on February 26, 1953, when the “Bill of Independence of the Iranian Bar Association” was signed. According to this Bill, IBA was accepted as an independent body with legal entity and was to be established in the jurisdiction of every Provincial Court. It consisted of a General Assembly, a Board of Directors elected by attorneys in elections, and a 'Attorneys' Disciplinary Prosecutor Office and Disciplinary Courts'.<sup>14</sup>

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<sup>8</sup> See U.N. Basic Principles on the Role of Lawyers, Preamble.

<sup>9</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 23.

<sup>10</sup> See U.N. Basic Principles on the Role of Lawyers, Principle 24(1).

<sup>11</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>12</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>13</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>14</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

According to the mentioned Law:

- IBA has the authority to elect its own independent board of directors,
- IBA is independent in managing its financial affairs,
- IBA's board of directors can grant licenses and disbar offending lawyers,
- Only the Lawyers Disciplinary Court is authorized to rule on allegations involving offending lawyers
- IBA has the authority to hold the bar exam,
- IBA should introduce a list of pro bono lawyers to the judiciary,
- IBA should also monitor the professional performance of its members.<sup>15</sup>

At this time, there were only three bar associations: the Central Bar Association in Tehran and the Azerbaijan Bar Association and Fars Bar Association. These operated as independent professional bodies for the next 25 years, electing their own board members, granting and revoking licences, and processing complaints of lawyer misconduct without the interference of the judiciary until the 1979 Revolution.<sup>16</sup>

Together with the 1979 Revolution, the islamisation of laws and legal institutions started. The new constitution required that all laws shall be consistent with "islamic criteria". This development was followed by the dissolution of the judiciary. Its members were replaced by Islamic jurists and clerics. In addition, all female judges were dismissed, many attorneys were disbarred and the majority of the IBA Board of Directors were arrested and imprisoned.<sup>17</sup>

In June 1980, the Revolutionary Council passed a single-article law about revolutionary purges in the IBA. According to the "Law on Purges in the Iranian Bar Association," the council which was put in charge of the Ministry of Justice was empowered to introduce five eligible lawyers to the Revolutionary Council. The five-member commission was to conduct purges at the IBA. Subsequently, the IBA board's elections were suspended.<sup>18</sup>

According to Article 7 of the Law Establishing Bar Association the Lawyers' Disciplinary Court had the sole authority to impose sanctions against delinquent lawyers, including disbarment. However by 1983, the Revolutionary Courts had revoked the licenses of 141 lawyers.<sup>19</sup>

IBA was reopened in 1984 by the Supreme Council of the Judiciary. The Supreme Council of the Judiciary decided that the election of the Board should be held. In this regard, several attorneys were invited to a session of the Council on May 7, 1984. However, instead of planning the election, one of

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<sup>15</sup> [Practicing Law in Iran: Risks and Challenges - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)

<sup>16</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>17</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>18</sup> [Practicing Law in Iran: Risks and Challenges - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)

<sup>19</sup> *ibid*

the attorneys<sup>20</sup> present in the session who at the time was also a member of the Guardian Council, was appointed as the Supervisor of the Bar Association and the era of supervision of the Judiciary over the Bar Associations in Iran began.<sup>21</sup> Although the IBA was reopened, the appointment of a supervisor was a violation of the Law of Independence. According to aforementioned Law Art. 5, the Chairperson of the Bar was supposed to be a member of the Board of Directors and elected by the vote of other members and should meet the conditions set out in the same law, such as having practised a minimum of ten years as an attorney (Art. 4). However, the actually appointed supervisor had received his license just less than 5 years earlier and therefore did not fulfill the requirement. Despite this seeming ineligibility, he chaired the IBA for the next fourteen years.<sup>22</sup>

During the period after the Revolution, basic rights of accused persons (such as the right to counsel) were denied and attorneys strained to exercise their professional duties. For example, some court branches, particularly the Revolutionary Courts, used to put a sign at their doors that read: “We do not accept attorneys”. On other occasions, the courts might refuse to grant attorneys access to their clients or the dossier.<sup>23</sup>

In 1990, a new bill was submitted to Parliament, stating that the parties to a lawsuit had the right to appoint ‘an attorney at law’, and all courts were obliged to receive them.<sup>24</sup> The Bill was passed by Parliament, but the Guardian Council did not confirm it. Therefore, the Bill was sent to the Regime’s Expediency Council to solve the conflict. On October 3, 1991 the Expediency Council passed the Law of “Appointment of Attorney by Parties to a Lawsuit”.<sup>25</sup> A compromise was reached by deleting the ‘at law’ after the word ‘attorney’. By changing ‘attorney at law’ (vakīl-e dādgūstārī) into ‘attorney’ (vakīl), Parliament established that legal representation did not need to be conducted by a qualified lawyer, or a legal counsel, who had passed the bar. In effect, anyone could represent any case in court.<sup>26</sup>

In the meantime, the IBA had its election on October 9, 1991. However, one day before the announced election day, a new law was adopted: the Law of Correction of the Bar Associations. This new Law stopped the election. According the Article 1 of this Law, “[i]n order to correct the Bar Associations, the Commission of Rebuilding the Bar Associations, consisting of six attorneys and three judges by appointment of the Head of the Judiciary, shall be formed for a period of one year to implement this

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<sup>20</sup> The appointed lawyer was Goudarz Eftekhari Jahromi and he remained in the same position until 1997 and he was also a member of the Guardian Council for two six-year terms.

<sup>21</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](http://iranhrdc.org)

<sup>22</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](http://iranhrdc.org)

<sup>23</sup> *ibid*

<sup>24</sup> [SSRN-id3170599.pdf \(iclr.net\)](https://ssrn-id3170599.pdf)

<sup>25</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](http://iranhrdc.org)

<sup>26</sup> [SSRN-id3170599.pdf \(iclr.net\)](https://ssrn-id3170599.pdf)

Law...". The Law also gave extreme rights to this Commission. According to its Article 5, the main function of the Commission was to expel the attorneys who according to the view of the members of the Commission had relationships with the Pahlavi Regime or were members of parties or groups declared illegal. Note 2 of article 5 also stipulated that "[u]ntil the period of this Law is finished, the Bar Association's Board of Directors shall be stopped and will be held thereafter."<sup>27</sup>

In 1997, another law was adopted: the Law on Conditions for Obtaining the Attorney's Licence. Together with this law, the election rights were accepted once again, however a series of strict conditions was also regulated. Firstly, the Disciplinary Court for Judges was announced as the authority with the sole right to confirm the competence of the candidates for the Bar Association's Board of Directors.<sup>28</sup> Additionally a list of conditions was announced in the Article 2 and 4 of the law. Some of these conditions were general, such as setting up a minimum age or the duration of the professional work. However, some others were directly about the political or religious background of the candidates.

The outcome of this law could be observed in years. Even though, the right to hold the election was reintroduced, the Supreme Disciplinary Court of Judges's extreme power, namely, the right to confirm the candidates became a tool of shaping the board directors of the Bar Association.

In the meantime, a new body of lawyers was established by the State and many claimed that the aim was to neutralize the IBA. This new body of lawyers established in 2001 was 'authorised to present cases in court' under Article 187 of the Law of Third Economic, Social and Cultural Development Plan of 2000. This group is officially known as the Legal Advisors of the Judiciary. The Centre for Legal Advisors and Experts of the Judiciary trains and examines its own members and issues and renews their licences to practise.

The lawyers who are members of IBA and the ones who are part of the Legal Advisors of the Judiciary are obliged to fulfill different criteria regarding their training and examinations. Legal advisors must pass one qualifying examination and complete a six month pupillage, whereas IBA attorneys must pass several examinations and complete an 18-month traineeship under the supervision of a lawyer with more than 10 years experience. Also unlike the IBA's independent procedure for renewing licences, legal advisors' permits are renewed with the approval of the Judiciary, undermining their independence.<sup>29</sup>

Another law was approved in 2012 - 'the draft Bill of Formal Attorneyship' - which increased Government supervision over the Iranian Bar Association. The mentioned bill replaced the title 'Bar

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<sup>27</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](http://iranhrdc.org)

<sup>28</sup> *ibid*

<sup>29</sup> [SSRN-id3170599.pdf \(iclrnet\)](https://ssrn-id3170599.pdf)

Association' with 'Organisation of Attorneys'. At the time some human rights lawyers protested the Bill and claimed it to demonstrate 'the determination of the authorities to downgrade the position of the bar from an independent body to a subordinate governmental organisation'. Moreover, the new bill prescribed a 'Supervisory Commission', created by the Head of the Judiciary to administer 'confirmation of the elections, suspension and revocation of the licences of all attorneys, including even the directors of the bar, appointment of the members of the Examining Committees, among other tasks (Arts. 25-30)'.

The bill sought to increase governmental control over the IBA by allowing the judiciary to decide 'who can become a lawyer, how they should be disciplined and whether or not they should be able to continue their practices'. This bill was suspended before the 2013 presidential elections, but 'several amended versions of the draft bill were submitted to Parliament in September 2014', reasserting the Islamic Republic's commitment to curtail the IBA's independence.<sup>30</sup>

After long disputes in the political scene, a revised version of this bill was submitted to parliament in 2015. The Legal and Judicial Commission of Parliament considered and rejected the bill in July 2017 since it found no reason for amending the existing law. Thus, the status quo with the already existing restrictions on the IBA independence was restored.<sup>31</sup>

The situation of the legal profession and the judiciary in Iran is still going in the same direction. In June 2023, the Iranian Parliament voted to initiate an investigation against the Iranian Bar Association. The discussion whether the Parliament has the right to initiate such an investigation is still ongoing. According to the Iranian Parliament's internal regulations, the legislative branch can only investigate government bodies or organizations that receive funding from the national budget. And the IBA is a financially independent body that does not receive public funding.<sup>32</sup> The details of this investigation and the related issues will be summarized below.

#### **D. The up-to-date challenges of lawyers in Iran**

The chapter above, namely the summary of the development of the legal profession and professional legal organisations in Iran illuminates the ongoing problems. As can be seen, from the early 1900s onwards, although the legal profession came close to gaining an independent character from time to time, it was always kept under control at one level or another by different political powers. In this

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<sup>30</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>31</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>32</sup> [Iran: State's "Investigation" of Bar Association Aims to Crush Dissent – Center for Human Rights in Iran \(iranhumanrights.org\)](#)

section, with occasional references to the previous chapter, the current problems faced by our colleagues in Iran will be categorised and presented.

## **1- De facto and de jure obstacles to the independency of the legal profession**

### **1-a- Article 4 of the Law on Conditions for Obtaining the Attorney's Licence**

As explained in the section above, one of the most important de jure obstacles is the “the Law on Conditions for Obtaining the Attorney's Licence” enacted in April 6th, 1997. According to this Law, the Supreme Disciplinary Court of Judges is the supervisory authority to scrutinize, investigate and verify the competency of the lawyers who intend to stand as a candidate for the Bar Council election in Iran. According to Article 4 of the Law on “the Law on Conditions for Obtaining the Attorney's Licence”, the candidates for the Councils of Bar Associations are subjected to background checks by the Intelligence Ministry and Islamic Revolutionary Guard Corps (IRGC). According to this article all candidates for Council of Bar Associations need to be approved by the Judiciary and Intelligence Ministry of Iran. If any kind of activities against the regime are detected, the applications will be rejected by the Judiciary. Therefore, all lawyers who had any kind of human rights activity or involvement in defending political dissidents cannot be elected to the Council of Bar Associations.

Principle 24 of the United Nations Basic Principles on the Role of Lawyers states that

24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

However, the current law in force in Iran does not let the members of the bar association to elect their Board of Directors freely. The number of rejected candidates in 2020 proves that the arbitrary practice is still going on today. Lawyer Majid Pourostad, a member of Iran Central Bar Association published an open letter in 2020 and stated that:

“(R)elying upon the Practice Law, SJDT disqualified 29 out of 150 candidates from running in the Iran Central Bar's Council election, without rendering a reasoned and justified decision. The Practice Law does not provide a mechanism through which the so-called disqualified candidates are heard and can challenge SJDT's decision.



More significantly, SJDT allows itself considerable latitude, even beyond the letter and spirit of the Practice Law, to add or remove further candidates even shortly before the election day. Strictly speaking, having delivered its first letter dated January 25th, 2020 disqualifying 29 candidates, SJDT in another letter dated January 27th, disqualified further 6 candidates including the President and the Past President of ICBA, - without any justification or reasoned decision - against the spirit of the Practice Law and international standards of legal profession.”<sup>33</sup>

### **1-b: Article 2 of the Law on Conditions for Obtaining the Attorney’s Licence**

According to the Principle 10 of the United Nations Basic Principles on the Role of Lawyers;

10. Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement, that a lawyer must be a national of the country concerned, shall not be considered discriminatory.

However, in Iran, the "security investigation" or, in other words, "archive background check" is applied to all lawyers who have passed the bar exam and wish to obtain a lawyer's licence. According to Article 2 of the aforementioned Law, all candidates who have passed the bar entrance exam shall send their application file to the bar association. Afterwards the bar association shall send this file to the Ministry of Intelligence of Iran for a background check. If a candidate has allegedly done any action against the regime, including criticizing the government or the Supreme Leader, the application of the candidate will be rejected.

However, the main problem here are the “conditions” that were regulated in Article 2 of the mentioned Law. Article 2 calls for “actual belief and commitment to Islamic laws and principles”, “belief and loyalty to the State of the Islamic Republic and the Office of the Supreme Leader”, “not having a record of membership and activism with outlawed groups opposed to the Islamic Republic” and “no connections to the Pahlavi regime.”<sup>34</sup>

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<sup>33</sup> [\[10\] My Open Letter to International Bar Association \(IBA\) on Iran Central Bar Council's Election on February 27th, 2020 | LinkedIn](#)

<sup>34</sup> [New Directive Allows Iranian Judiciary to Control Lawyers Through Disciplinary Body – Center for Human Rights in Iran \(iranhumanrights.org\)](#)

It is further indisputable that all of these conditions in the relevant regulation are contrary to the above-mentioned principle of the UN. It is also clearly established that the criteria sought for lawyer candidates violates many fundamental rights such as freedom of thought and expression, freedom of religion and conscience.

### **1-c: Article 48 of the Iran's Code of Criminal Procedure:**

The new code of Criminal Procedure (CCP) went into effect in June 2015. Article 48 of the CCP is one of the utmost problematic articles that is both affecting the independency of the lawyers and also the right of the Iranian citizens to have access to a lawyer .

The Constitution of Iran sets no limits or conditions on the right to legal counsel. Article 35 states, "Both parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel".

Also according to Article 48 of CCP, people have the right to ask for and have a meeting with a lawyer as soon as they are detained.<sup>35</sup> However "Note to Article 48" regulates the exceptions:

"In cases of crimes against internal or external security, and in cases involving organized crime, where article 302 of this code is applicable, during the investigation phase, the parties to the dispute are to select their attorneys from a list approved by the head of the judiciary. The names of the approved attorneys will be announced by the Head of the Judiciary"

It is also important to mention the crimes that are regulated under Article 302 to understand the problematic character of Article 48 of CCP. The crimes mentioned in Article 302 are (a) crimes punishable by death, (b) crimes punishable by life in prison, (c) crimes punishable by amputation or intentional crimes against bodily integrity of others punishable by one-half or more of a full person's *diya* (*Diya refers to compensatory payment due to an individual who has suffered bodily harm under Islamic law.*) (d) *tazir* crimes punishable by ten years' imprisonment or more (*Tazir crimes, as opposed to hodud crimes, are crimes for which there is no explicitly stated punishment under Islamic law.*) and (e) political and media crimes.<sup>36</sup>

In a joint statement<sup>37</sup> that was published by several international organizations (many of them are part of the Coalition for the Day of the Endangered Lawyers), Article 48 of the Iran's Code of Criminal Procedure was identified as one of the most important problems regarding the independency of the profession and an indicator of clear discrimination.

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<sup>35</sup> [Iranian Lawyers: Judiciary's Mandatory List of Approved Counsel Sets "Dangerous Precedent" – Center for Human Rights in Iran \(iranhumanrights.org\)](http://iranhumanrights.org)

<sup>36</sup> [Practicing Law in Iran: Risks and Challenges - Iran Human Rights Documentation Center \(iranhrdc.org\)](http://iranhrdc.org)

<sup>37</sup> [joint-statement-from-lawyers-abroad-on-lawyers-in-iran.pdf \(eldh.eu\)](http://eldh.eu)

Note to Article 48 of the Code of Criminal Procedure states: “In cases of crimes against internal or external security, and in cases involving organized crime, where Article 302 of this code is applicable, during the investigation phase, the parties to the dispute are to select their attorneys from a list approved by the head of the judiciary.”

In this note, lawyers are divided into two categories: lawyers who are trusted by the head of the judiciary and those who are not. The criteria on the basis of which trusted lawyers are appointed are set by the head of the judiciary. It is noteworthy that Article 48 of the Code of Criminal Procedure stipulates that: “When a suspect is arrested, he or she can request the presence of an attorney. The attorney, observing the secret nature of the investigation and the negotiations between the parties, should meet with the suspect. At the end of the meeting, which should not last more than one hour, the attorney may submit his or her written notes to be included in the case file.”

However, the Revolutionary Courts, where “security-related” cases such as those involving human rights, political, and civil activists, are much less transparent than Public Courts. The judges at the Revolutionary Courts are known to abuse their legal powers. They deny access to legal representation during the investigation phase and prevent lawyers from accessing client files on the basis of confidentiality or that lawyers have insufficient “qualifications” to review certain files.<sup>38</sup>

In an interview with the Center for Human Rights in Iran (CHRI)<sup>39</sup>, Lawyer Saeid Dehghan pointed out the following issues:

“Over the years there have been many directives and decrees issued by the judiciary against lawyers’ autonomy, (...) but the most important assault came with the inclusion of a note to Article 48 of the Criminal Procedures Regulations, limiting suspects accused of national security and political crimes access only to lawyers approved by the judiciary in the initial stages of investigation.”

“After a mass protest in 2017, I had succeeded in gaining the acquittal of close to 40 protesters. But by the time the November 2019 protests took place, the note had been added [to Article 48 of the Criminal Procedures Regulations] and there was a list of lawyers approved by the judiciary that did not include the names of some of my colleagues and myself and as a result I was only able to defend the rights of no more than four or five clients”<sup>40</sup>

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<sup>38</sup> *ibid*

<sup>39</sup> [New Directive Allows Iranian Judiciary to Control Lawyers Through Disciplinary Body – Center for Human Rights in Iran \(iranhumanrights.org\)](https://iranhumanrights.org/)

<sup>40</sup> *ibid*

#### 1.4. Article 187 of the Law of Third Economic, Social and Cultural Development Plan

As summarized above, the Legal Advisor of Judiciary which was introduced in 2001 as new body of lawyers by the Article 187 of the Law of Third Economic, Social and Cultural Development Plan reflects another issue concerning the independency of the legal profession. As mentioned before The Centre for Legal Advisors and Experts of the Judiciary trains and examines its own members and issues and renews their licences to practise. However, the training process and the criteria that are applied there are totally different compared to the criteria applied to the members of the IBA. (See above)

Since the legal advisors are directly supervised by the judiciary, it is unlikely to expect them to act against the judiciary's orders. Because the legal advisors have to require an annual permit from the judiciary and the decision of the revocation or the renewal of their licences is made by the Judiciary too.<sup>41</sup>

#### 1.5. Judicial Independence

According to the Iranian Constitution Article 156, the judiciary shall be an independent institution. However, the Supreme Leader of the country is accepted as the highest State authority and is institutionally over all the other governing branches. Article 110/6-2 of the Constitution also regulates that the Supreme Leader has the ability to appoint and supervise the Head of the Judiciary.<sup>42</sup>

The appointment process of judges are also highly problematic. The selection of judges is based on the *gozinesh* (selection) process and it involves background investigations into the candidates' beliefs, political positions, etc. According to the 1982 Law on the Qualifications for the Appointment of Judges Art. 1 and 1995 Gozinesh Law Art. 2/5; Iranian judges shall demonstrate a commitment to Islamic principles and the Islamic Republic of Iran's regime and they should never been a membership to politically opposed groups.<sup>43</sup>

The International Convention on Civil and Political Rights (ICCPR) Article 14/1 starts with the following sentence:

"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, **independent and impartial** tribunal established by law."<sup>44</sup>

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<sup>41</sup> [brief-impartiality-and-fairness-in-iran.pdf \(essex.ac.uk\)](#)

<sup>42</sup> [brief-impartiality-and-fairness-in-iran.pdf \(essex.ac.uk\)](#)

<sup>43</sup> Ibid

<sup>44</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

Art. 2/1 of the ICCPR states:

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, **without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.**”<sup>45</sup>

When the related Constitutional articles and the ICCPR read together, the violation will be observed without a suspicious. And of course, this extreme power of State over the judiciary in every level is effecting the lawyers’ professional activities.

## **2- Being an Independent Lawyer in Iran: Harassment, intimidation, arrest and beyond:**

Almost every year, the international legal community is issuing dozens of statements and complaints about the situation of lawyers in Iran, as Iran is a country where the price of being an independent lawyer and fulfilling one's responsibility to defend human rights is very high.

In the aftermath of the protests related to Mahsa Amini’s death, Iranian security apparatus arrested hundreds of human rights defenders, students, women’s rights activists, lawyers, journalists, and summoned and interrogated dozens of actors, athletes, and other public figures in connection to their expressed supports of the demands of the protestors.

Several articles of the Iranian Penal Code (IPC) can be used against lawyers and can put them behind bars. The ones that are often used by the authorities are Article 500 (Propaganda against the Regime), Article 498 (Acting against the National Security), Article 698 (Agitation of Public Opinion by Spreading False Information against the Regime), and Article 638 (Encouraging Corruption and Prostitution). However, when individual examples are analysed, it can be seen that many other articles in the criminal code are also used as criminal charges against lawyers. It was also observed that in many cases the principle of legality is ignored and lawyers face criminal proceedings for acts that are not defined in the Iranian Penal Code. (See: Nasrin Sotoudeh's case below)

As explained in detail in this report, human rights defenders and lawyers in Iran have faced challenges in almost every period. However, as many civil society organisations and the media have reported, the pressure on human rights defenders and lawyers has intensified since the protests over the death of Mahsa Amini, who was killed in 2022 at the age of 22 when she was under arrest. The deaths of almost 500 people had been confirmed by the end of 2022, and an estimated 14,000 people were arrested,

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<sup>45</sup> *ibid*

including protesters as well as journalists, lawyers, activists, artists, and athletes.<sup>46</sup> According to the Freedom House 2022 Country Report<sup>47</sup>, more than 40 of the detainees were sentenced to death, and many were reportedly denied access to legal counsel of their choice and were forced to accept state-appointed lawyers who took little action to defend them. Their trials were extremely brief and relied on confessions obtained under duress. At least two of the convicted defendants were known to have been executed by the end of 2022. The number of executed death sentences is rising dramatically. According to the Hengaw Organization for Human Rights, at least 61 prisoners were executed in Iranian prisons in July 2023.<sup>48</sup>

On the 21st of June 2023, U.N. Deputy High Commissioner for Human Rights Nada al Nashif presented the U.N. report on rights in Iran to the Human Rights Council<sup>49</sup>. According to the report;

Scores of human rights defenders remain imprisoned while authorities continue to harass, arrest, and prosecute those seeking accountability and justice. Hundreds of human rights defenders were arrested, summoned, and interrogated in relation to the protests. According to information received, there was an upward trend of targeting of human rights defenders, with at least 218 arrested or convicted between 16 September 2022 and 30 November 2022 related to the protests, double the number for 2021.113 Lawyers representing protesters and human rights defenders have been targeted at an unprecedented rate. From 16 September 2022 to 10 January 2023, a total of 44 lawyers were arrested for their work; 27 of those have reportedly been released while the rest remain in detention.<sup>50</sup>

Although there are some sources with numbers, it is not possible to assess the total number of imprisoned lawyers in Iran due to the lack of transparency. The frequent violations of the right of access to information, as well as the systematic attacks on bar associations, which have created an environment in which bar associations cannot fulfil their duty of protecting lawyers, prevent us from knowing how many of our colleagues in Iran are in prison and how their current situation is.

Nevertheless, in the light of the information we have access to, we will present the grave picture that our colleagues face, case by case, below.

## **2-1- Investigation against the Iranian Bar Association (IBA)**

On the 27th of June in the year 2023, a motion labeled *“The Request to Investigate the Operations of Bar Associations and their Union”* gained approval within Iran's legislative body, endorsed by 158

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<sup>46</sup> [Iran: Freedom in the World 2023 Country Report | Freedom House](#)

<sup>47</sup> [ibid](#)

<sup>48</sup> [At least 61 prisoners executed in Iranian prisons in July 2023 \(hengaw.net\)](#)

<sup>49</sup> [U.N. Report: Human Rights in Iran | The Iran Primer \(usip.org\)](#)

<sup>50</sup> [A/HRC/XX/XX \(ohchr.org\)](#), parag. 51

affirmative ballots, met with 20 opposing votes, and noted 3 abstentions. As an effect of that motion, the investigation will furnish authority to the chief of the judicial branch, Gholam-Hossein Mohseni Ejei, alongside governmental security entities such as the Ministry of Intelligence and the intelligence faction of the Islamic Revolutionary Guard Corps. Their directive is to thoroughly scrutinize the legal guilds dispersed across the nation, along with their central alliance seated in Tehran. Additionally, the apparatus of state security will be endowed with the task of "evaluating the juridical credentials" of lawyers affiliated with the Bar. This empowerment will enable them to selectively designate which legal practitioners are entitled to formal practice within the country.

As per the contents of the *"The Request to Investigate the Operations of Bar Associations and their Union"* proposition, members of the parliamentary body and state security units are poised to pursue ten specific avenues during their investigation. This endeavor encompasses an assessment of the methods through which the Bar determines its membership, admits legal apprentices, conducts entry evaluations, and administers the assessment of trainees. Furthermore, it entails the compilation of rosters containing the names of bar members, ostensibly for the purpose of evaluating the legal proficiency of the attorneys. The appraisal extends to an analysis of the guild's financial allocation, the revenue streams of the regional branches of the bar, the central alliance, as well as the utilization of these fiscal resources. Lastly, the scrutiny encompasses the modus operandi of conducting elections for the board of directors of the Bar and the overarching alliance. These measures are strategically devised to divest the bar of its autonomy, concurrently facilitating state intervention in its internal affairs.<sup>51</sup>

## 2.2. Cases against lawyers

- **Amirsalar Davoudi<sup>52</sup>**

Amirsalar Davoudi is a human rights defender and a member of the Human Rights Commission of the Iranian Bar Association. In his work as a human rights lawyer, Amirsalar Davoudi has represented many detained human rights defenders and political prisoners. He is also the founder and director of a Telegram Channel, "Without Retouching," featuring a variety of critical content about the authorities' treatment of lawyers in particular and more generally, the human rights situation in Iran.

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<sup>51</sup> [Iran: State's "Investigation" of Bar Association Aims to Crush Dissent – Center for Human Rights in Iran \(iranhumanrights.org\)](#), see also: [EN HRL 20230707 Iran Independence-of-the-Iranian-Bar-Association-threatened.pdf \(ccbe.eu\)](#)

<sup>52</sup> [Amirsalar Davoudi | Front Line Defenders](#), see also: [EN HRL 20190903 Iran Sentencing-of-lawyer-Amirsalar-Davoudi.pdf \(ccbe.eu\)](#).

He was arrested on 20 November 2018 by security agents in his law office and on 28 May 2019, he learned that Branch 15 of the Revolutionary Court in Tehran had sentenced him to a total of 30 years' imprisonment and 111 lashes, on account of six charges including "insulting the Supreme Leader", "spreading propaganda against the system" and "forming a group with the purpose of disrupting national security" in relation to his human rights work.

He was in Evin Prison but transferred to Rajae Shahr Prison on 13 April 2021 without notice. He had spent three days in solitary confinement following his transfer. On 13 June 2021, he was released on bail of 20 billion IRR. His temporary release is followed by the decision of Branch 41 of the Supreme Court to accept his request for retrial, due to irregularities in the legal process of his trial. Consequently, Branch 28 of Tehran's Revolutionary court has been assigned for the retrial of the human rights defender.

He was sentenced to fourteen years in prison by Branch 36 of Tehran Court of Appeals on 1 December 2021. This includes two years in prison for "insulting the supreme leader two years for "disconcerting public opinion" and ten years for "forming a group to act against national security." On 26 June 2022, he was once again transferred to prison. He is still in prison.

- **Arash Keykhosravi<sup>53</sup>**

Arash Keykhosravi is a human rights defender, and attorney at law who has represented many human rights defenders including environmental rights defenders. On August 2018, he had been sentenced to a six-year- prison term, which was subsequently overturned by the Branch 34 of the court of appeals on January 2020.

On August 14, 2021, Iranian authorities arbitrarily arrested a group of seven human rights defenders, including five lawyers and one journalist, as they prepared to file a complaint against the country's National Task Force against Coronavirus, including the Minister of Health and other officials responsible for the mismanagement of the Covid-19 crisis.

On 25 December 2021, Keykhosravi was released on eight billion IRR bail after spending more than four months under arbitrary detention in Evin prison, in Tehran. On 16 August 2022, Branch 36 of the Tehran Court of Appeals has confirmed the initial verdict issued by Branch 29 of Tehran Revolutionary Court with respect to, what has come to be known as the case of the Right-to-Health defenders. The Court of appeals has confirmed the initial verdict without holding a new court session.

On 10 January 2023, the Supreme Court issued an order for retrial of the sentence against Arash Keykhosravi. Additionally, a bail order was issued for the new charges of "propaganda against state" and "gathering and colluding against national security" with regards to his involvement in the Mahsa Amini protests.

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<sup>53</sup> [Arash Keykhosravi released from prison | Front Line Defenders](#)



On 6 March 2023, he was released from Kachueie prison. This release occurred after Branch 21 of the court of appeals suspended the two-year prison sentence and other complementary punishments issued by Branch 29 of Tehran Revolutionary Court in August 2022.

- **Asghar Mohammadi<sup>54</sup>**

After the four-day workers' strike at the Sungun Varzaghan copper mine, the security forces arrested at least 60 workers. At the same time, several environmentalists were also arrested in the same area. This was the fifth strike of workers at Sungun Mine in the past two years. They are demanding job classification, lifting discrimination between official personnel and partner companies, and formation of a workers' council among other requests. Sungun Copper Mine is the largest copper mine in the middle east. Asghar Mohammadi was representing the workers. On 18 March 2023, he was sentenced to 20 lashes for agitating the public consciousness (Art. 698 and 746 IPC).

Recently, a new case has been filed against him on the charge of publishing the investigations of the judicial authorities. This case is being investigated in the 101th Criminal Branch of Varazghan.

- **Farzaneh Zilabi<sup>55</sup>**

Farzaneh Zilabi is a human rights lawyer who has represented the Syndicate of Workers of Haft Tappeh Cane Sugar Company (SWHTCSC), the prosecuted members of the Iranian Teachers' Trade Associations (ITTA), and the pensioner's fund victims in Shush, Khuzestan, in southern Iran. She has also represented many individual labour rights defenders and members of workers' unions, and has been outspoken about instances of torture reported by her clients.

On 21 May 2023, she had been sentenced to one year and six months in prison on the charge of "propaganda against the state" and "insulting the supreme leader." The charges against her seem like a reprisal against Zilabi's advocacy and legal representation of union actors in the Khuzestan province. This is not the first time Zilabi has been targeted for her legitimate human rights work. In September 2021, the woman human rights defender was sentenced by Branch 2 of the Ahvaz Revolutionary Court to one year in prison and a two-year travel ban on the charge of "propaganda activities against the state." On 16 May 2021, she was summoned by Ahvaz Central and the Revolutionary courts on charges of "propaganda activities against the state" and "gathering and collusion to act against national security," of which she was subsequently acquitted.

- **Ghasem Bodi Bonab<sup>56</sup>**

Ghasem Bodi Bonab is an attorney at law and a member of the East Azarbaijan Bar Association. He was arrested along with a group of attorneys as members of the Human Rights Committee of the Bar

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<sup>54</sup> [Asghar Mohammadi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](#)

<sup>55</sup> [Woman human rights defender Farzaneh Zilabi sentenced to additional one year and six months in prison | Front Line Defenders](#)

<sup>56</sup> [Ghasem Bodi Bonab - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](#)

Association of the province for publishing materials to support the protesters in 2021. . He was arrested on 15 October 2022 and was released from Tabriz Prison on a bail of 2 billion rials. According to United4Iran, while he was in prison, he was held among the general population and assaulted by Rezazadeh, the interior manager of Tabriz Prison. Furthermore, his family was threatened by the security forces. After release from Prison, Mr. Bodi was forced under pressure from the security agencies to resign from the university where he taught and to step down as the chairman of the bookkeepers association of East Azarbaijan province. He was charged of propaganda against the state (Art. 500 IPC) and convicted to 6 months in prison.

- **Golaleh Vatandoost<sup>57</sup>**

Golaleh Vatandoost, who is a member of the Kurdistan Bar was arrested on 4 October 2022. She is in Semnan Prison. She is still in prison.

- **Hasan Younesi<sup>58</sup>**

Hasan Younesi is an attorney, civil rights activist, and son of Ali Younesi, the Minister of Intelligence of President Khatami during the reform period. He was one of the attorneys who followed up on the cases of executions including the execution of Navid Afkari.

He, first, was arrested during the heavy suppression period after the 2009 protests. It was reported that he was arrested for agitating behavior and calls for protests.

He was arrested again during the national uprising triggered by Mahsa Amini's murder on 09 November 2022 at Mehr Abad Airport while traveling to Sistan and Balochistan province to follow up on cases of arrested protesters. He was released on bail from Evin Prison on 7 December 2022.

- **Hassan Asadi Zeidabadi<sup>59</sup>**

Hassan Asadi Zeidabadi is an attorney. He was arrested and sentenced to prison during the Green Movement. He was also once arrested among many others during the national uprising triggered by Mahsa Amini's murder. His first arrest was on 3 November 2009. He was charged with propaganda against the state (Art 500 IPC), disrupting public order (Art. 618 IPC), insulting state employees (Art. 609) IPC and founding or leading an organization that aims to disrupt national security (Art. 498 IPC). He was sentenced to 5 years in prison and a fine of 10000000 IRR. In 2014 he was one of the awardees of the Hellman-Hammett Award. He was released from Evin Prison on 4 July 2005 two weeks after the end of his sentence.

On 16 November 2022 he was arrested from his house. He was released on bail on 20 December 2022.

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<sup>57</sup> <https://lawyersforlawyers.org/en/joint-statement-on-the-arrest-detention-and-ill-treatment-of-lawyers-in-iran/>

<sup>58</sup> [Hasan Younesi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](#)

<sup>59</sup> [Hassan Asadi Zeidabadi - Political Activism — Iran Prison Atlas \(united4iran.org\)](#)

- **Hoda Amid<sup>60</sup>**

Hoda Amid is a lawyer and woman human rights defender, who had also played a prominent role in educating Iranian women of their rights. She is part of an educational workshop on “terms of marriage” to educate women on their marital and familial legal rights in Iran.

On 1 September 2018 she was arrested at her house by security forces and spent more than two months in Evin Prison. She was arrested as part of the educational workshops she organized from 2015 until her arrest. She was released on bail, but the trial went on. In October 2020, she and her colleague were charged with and found guilty of “collaborating with the hostile American government against the Islamic Republic of Iran on women and family issues” and “working in line with the project of infiltration by weakening the foundation of the family with the aim of overthrowing [the government]”

On 31 October 2020, Branch 15 of the Revolutionary Court of Tehran sentenced Hoda Amid to eight years in prison, a two year travel ban, a two year membership ban on participating in political parties and groups and activities in cyberspace, media and press, and a two year ban on practicing law. On 2 February 2021, Branch 36 of the Tehran Court of Appeals upheld this verdict.

- **Jalal Fatemi<sup>61</sup>**

Jalal Fatemi, a member of Iran’s Central Bar Association, has been sentenced to one year in prison by the Tehran Revolutionary Court. The verdict was delivered by Judge Seyed-Ali Mazloum, who cited “propaganda against the regime on the Internet” as the reason for the conviction. The court session took place on July 10, 2023, during which Fatemi was acquitted of the charge of “blasphemy.” In a separate development, it has come to light that Fatemi is currently facing another legal case.

- **Khosrow Alikurdi<sup>62</sup>**

On August 1, 2023, Lawyer Khosrow Alikordi was arrested in Mashhad, Khorasan Razavi province shortly after responding to a summons. He has been charged with “publishing falsehoods and case contents”. He was transferred to the Vakilabad Prison. He was released on the 5<sup>th</sup> of August.<sup>63</sup>

Alikordi was representing the family of Abolfazl Abinehzadeh, a minor, who was allegedly killed by regime forces during the 2022 nationwide protests. He was also previously indicted for “propaganda in favor of anti-regime groups” and was released on a 150-million-toman bail in early July.

- **Marzieh Mohebi<sup>64</sup>**

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<sup>60</sup> [Women human rights rights defenders Hoda Amid convicted and Najmeh Vahedi | Front Line Defenders](#)

<sup>61</sup> [Iranian Lawyer Jalal Fatemi Sentenced to One Year in Prison for Online Activism | IAPL Monitoring Committee on Attacks on Lawyers \(wordpress.com\)](#)

<sup>62</sup> [Khosrow Alikurdi, Attorney, Arrested and Jailed in Vakilabad Prison - Hrana \(en-hrana.org\)](#)

<sup>63</sup> <https://twitter.com/Khosrowalikord2/status/1687810437205635073?s=20>

<sup>64</sup> [Iran’s Judiciary Uses Legal Tricks to Prosecute Human Rights Lawyer \(iranwire.com\)](#)

After the Woman, Life, Freedom movement, Lawyer Marzieh Mohebi was also subjected to a criminal prosecution. A court in Mashhad ruled against her, allowing her property to be confiscated and her citizenship rights to be violated in July 2023.

Mohebi, with over three decades of legal practice, is an advocate for women's rights and founder of Sora Women Lawyers Association, aiding incarcerated women and victims of violence.

Amid mounting pressure and a legal case in the Revolutionary Court, she left Iran to ensure her safety. The court's decision allows property seizure, invoking a historical Islamic concept of trust, which has been extended to opponents and critics. In an interview Mohebi explains the concept of trust and explains that *trust* is representing an agreement between the Islamic ruler and non-believers to live within the boundaries of the Islamic government, much like asylum. Therefore, if a non-believer violates the terms of the agreement, the right to safety is lost and their property is confiscated.

Mohebi faced political charges in the revolutionary court, such as “connections with hostile organizations abroad”, “leadership of protests”, and “collaboration with the People’s Mujahideen Organization (MEK)”. She deems these allegations baseless and repressive. Confiscating her property based on Article 49 of the Constitution, is unprecedented for a lawyer. Critics argue this violates Sharia principles and suppresses dissent.

- **Marzieh Nikara and Mohammad Seifzadeh<sup>65</sup>**

Mohammad Seifzadeh and Marzieh Nikara were convicted to one-year prison sentence after signing a letter that was addressing the UN.<sup>66</sup>

They have been sentenced to one year of imprisonment by Branch 29 of the Revolutionary Court in Tehran on charges of “anti-regime propaganda activities” and “dissemination of falsehoods”. It is reported that the case initiated against them originated from a letter drafted by a group of human rights defenders and legal, including the two lawyers to the UN Secretary-General, addressing the suppression and intimidation of citizens during the nationwide protests in 2022-2023.

The verdict was finalized and communicated to Lawyer Seifzadeh by the Evin Execution Branch and he introduced himself to Evin Prison on July 26, 2023 to carry out the sentence.

- **Mohammad Ali Dadkhah<sup>67</sup>**

Lawyer and human rights activist Mohammad Ali Dadkhah was arrested and sent to prison on 20 July 2022 to serve the eight-year sentence he received in 2011 for allegedly attempting to overthrow the ruling system in place. The charges against him are directly related to his peaceful and legitimate work in defence of human rights. Lawyer Mohammad Ali Dadkhah has defended a number of political

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<sup>65</sup> <https://ir.voanews.com/a/mohammad-seifzadeh-to-be-prisoned-for-one-year/7194309.html>

<sup>66</sup> [Iran Human Rights | Article: Letter from 45 Iranian activists to the UN Secretary-General: Your Reaction Can Stop the Execution Machine | \(iranhr.net\)](#)

<sup>67</sup> [EN HRL 20220729 Iran Arrest-of-lawyer-Mohammad-Ali-Dadkhah.pdf \(ccbe.eu\)](#)

prisoners in Iran and is a founding member of the Defenders of Human Rights Center (DHRC). Currently he is in Evin Prison.

- **Mohammad Ali Kamfirouzi<sup>68</sup>**

Mohammad Ali Kamfirouzi is a former student activist, a member of the Iran Bar Association and defense attorney to several political prisoners. Mr. Kamfirouzi was arrested during the national uprising on 14 December 2022 while he had accepted several arrested protesters as clients. His attorney, Mohammad Ali Bagherpour told Emtedad that it seems he was arrested after visiting Evin court to follow up on his own clients' cases. He said there was no information on Mr. Kamfirouzi's situation for 24 hours until they went to Mr. Kamfirouzi's home with his sister to check on him and realized that the security forces have brought Mr. Kamfirouzi home at the same time in handcuffs and blindfold to search his house. He is released on bail.

- **Mohammad Najafi<sup>69</sup>**

In 2018, Mohammad Najafi was arrested for challenging the official claim of his client's death and charged with multiple offenses, such as "organising with the intention to disturb national security", "propaganda against the state", and "insulting the supreme leader." Despite being released on bail, Mohammad Najafi was once again arrested several months later and sentenced to an additional 14 years of prison for "disturbing public opinion", and in December 2019, he was sentenced to three years of prison for "agitating public consciousness."

As from 30 January 2023 lawyer Mohammad Najafi has been on a hunger strike which he began to protest the unfair trial of his case. He was temporarily released on 28 March 2023 and was again imprisoned in Arak prison in the end of April 2023. Later he was transferred to Evin prison.

Mohammad Najafi has faced repeated arrests and harsh sentences, including physical harm, while defending human rights and democracy in Iran. In April 2023 was sentenced to three years and had to pay a fine for a legal case opened against him while he was in prison. Najafi stated that he was sentenced to two years in prison and a 15-million-toman fine by Branch 106 of the Arak Criminal Court for "spreading falsehood" and to one year in prison by Branch 2 of the Revolutionary Court for "propaganda against the regime". Najafi clarified that he did not attend the court and did not object to the verdict nor submit a plea of no contest for any part of the legal case. He stated that the reason for this legal case was due to his submission of a voice recording in prison showing support for the nationwide protests, which led to charges against his sister and brother as well. Najafi has faced several other legal cases on prior occasions. The accusations are various, such as propaganda against

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<sup>68</sup> [Mohammad Ali Kamfirouzi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://united4iran.org/)

<sup>69</sup> [EN HRL 20230328 Iran Continued-detention-of-lawyer-Mohammad-Najafi.pdf \(ccbe.eu\)](https://ccbe.eu/en/HRL/20230328/Iran/Continued-detention-of-lawyer-Mohammad-Najafi.pdf)

Mohammad Najafi, together with lawyers Nasrin Sotoudeh, Abdolfattah Soltani and Amirsalar Davoudi received the CCBE 2019 Human Rights Award.

<sup>73</sup> [Bail order of 6 billion IRR was issued for a new case opened against Mustafa Nili | Front Line Defenders](#)

in prison on the charge of “propaganda against state”, due to him taking part in the protests and publishing critical content against violent crackdowns on the peaceful protests in 2009. Branch 54 of the Court of Appeals confirmed the prison sentences in April 2011 and consequently the defender served his sentence from 18 July 2011 to 18 November 2014.

On 17 June 2021, Mustafa Nili and three other human rights defenders were stopped, physically assaulted, detained for a few hours and had their devices confiscated temporarily by intelligence agents in Shazand, Markazi province in central Iran. The group of human rights defenders were denied entrance to Arak city, in order to visit the family of a human rights defender who is detained in Arak prison.

On August 2021, he was arbitrarily arrested together with Keykhosravi and Mahmoudian. (See the details of the case above: Arash Keykhosravi). On 18 December 2021, he was released on 8 billion IRR bail after spending more than 4 months under detention in Evin prison.

On 11 December 2022, a bail order of 6 billion IRR was issued for a new case opened against Mustafa Nili following his arrest in November 2022. The first court session was adjourned on 9 January 2023 at 28 Branch of Tehran Revolutionary Court when the human rights defender refused to be present in protest against the violation of due processes for the detainees of the recent protests taking place in Iran sparked by the killing of Mahsa Amini. Therefore, the new charges against the defender are yet to be known.

- **Nasrin Sotoudeh<sup>74</sup>**

Born in 1963, Nasrin Sotoudeh has been a vocal critic of Iran’s judicial process, treatment of women and death penalty. Among others, she has represented Nobel Prize winner Shirin Ebadi. She was part of the Iranian Women’s Coalition which demanded gender equality in law before the 2009 presidential election. After the election there were protests and she represented the families of demonstrators killed during the demonstrations. She was arrested after a raid on her home in September 2010. She was accused of propaganda against the system and acting against the national security. She was sentenced to 11 year imprisonment in January 2011 that later reduced to 6 years. She was given early release in September 2013. After her release, she co-founded the Campaign for Step by Step Abolition of the Death Penalty (LEGAM).

On June 13, 2018 she was arrested once again. According to her husband, she was not informed about the charges but told that she had been sentenced to five years in prison. Later her lawyer announced that she was charged for “espionage in hiding” issued in absentia in 2015. The subsequent charges against her included, membership in the Defenders of Human Rights Center, the LEGAM group and

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<sup>74</sup> See: [Profile: Human Rights Lawyer Nasrin Sotoudeh | The Iran Primer \(usip.org\)](#), [Nasrin Sotoudeh | Front Line Defenders](#)

the National Peace Council, encouraging people to corruption and prostitution. She refused to appear at her trial in December 2018 to protest the state's refusal to let her use her own attorney. On March 11, 2019 she was convicted of seven offences and sentenced to 148 lashes and 33 years in addition to the earlier five year prison sentence.

She received many awards, including the European Parliament's Sahkarov Prize for Freedom of Thought (2012), Council of Bars and Law Societies of Europe's (CCBE) 2019 Human Rights Award with other Iranian lawyers, the American Bar Association's Center for Human Rights annual Eleanor Roosevelt Prize for Global Human Rights Advancement (2020). During the Covid 19 pandemic, she began a hunger strike with the demand of freedom for all political prisoners on August 11, 2020.

On August 17, 2020, her house was raided once again and her 20-year-old daughter was arrested on charges of insult and assault. Later she was released on bail for 23,729 US dollar.

On September 19, 2020, a documentary about her life was released under very severe risk of criminal prosecution for the directors.

On November 7, 2020, she was temporarily released due to health issues. But on December 2, 2020, she was transferred to Gharchak Prison again. She was later once again released on a medical furlough in July 2021.

- **Roza Etemad Ansari<sup>75</sup>**

Roza Etemad Ansari is a member of Isfahan Bar Association. She was arrested in October 2023 because of defending the rap singer Toomay Salehi who is still under the risk of execution. Currently she is free and still representing her client.

- **Saeed Ataei Kachouei<sup>76</sup>**

Saeed Ataei Kachouei is an attorney at law. He was arrested during the national uprising triggered by Mahsa Amini's murder on 8 October 2022. Saeed Ataei Kachouei is being held in Qezelhesar Prison in Karaj and Mina Bozorgi Koushalshahi is in Kachouei prison in Karaj. The report stated that after a month in prison, they have been arraigned for assembly and collusion to act against national security, and their bail request was denied.

- **Saeed Sheikh<sup>77</sup>**

Saeed Sheikh was arrested on 12 October 2022 at a rally in front of the Iran Central Bar Association. The rally was held to protest against the violation of protesters' rights and was intervened by the security forces. He has been sentenced to three years in prison on 29 December 2022. The Islamic Revolutionary Court of Tehran found Sheikh guilty of "gathering and colluding against the country's

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<sup>75</sup> [08 | October | 2022 | IAPL Monitoring Committee on Attacks on Lawyers \(wordpress.com\)](https://www.wordpress.com/08-October-2022-IAPL-Monitoring-Committee-on-Attacks-on-Lawyers/)

<sup>76</sup> [Saeed Ataei Kachouei - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://united4iran.org/saeed-ataei-kachouei-human-rights-activism-iran-prison-atlas/)

<sup>77</sup> <https://lawyersforlawyers.org/en/joint-statement-on-the-arrest-detention-and-ill-treatment-of-lawyers-in-iran/>



security" and "propaganda against the Islamic Republic of Iran." Two years of the three-year sentence are for the first charge and one year is for the second.

- **Saleh Nikbakht<sup>78</sup>**

Saleh Nikbakht who is the lawyer representing the family of Mahsa Amini is facing charges of "propaganda against the Islamic Republic system" for speaking out against the opinion of the Forensic Medicine Commission regarding Amini's death in an interview with foreign media and Eternad Newspaper. He had objected the opinion which claimed that Amini's cause of death was heart attack due to an underlying disease and he called for a re-examination. His objection was considered as a propaganda against the state. The Branch 2 of the Public and Revolutionary Prosecutor's Office in Tehran arraigned him on 11 March 2023 on the charge of propaganda against the state and later he was released on bail. His first hearing was scheduled on 1 August 2023, in Branch 28 of the Islamic Revolutionary Court of Tehran but it was postponed due to administrative issues.

- **Sina Yousefi<sup>79</sup>**

Sina Yousefi was arrested in Tabriz on 14 October 2022 and transferred to the temporary ward of Tabriz Prison. He was arrested after announcing the formation of the committee to defend the arrested protesters at the human rights commission of East Azerbaijan's bar association. Sina Yousefi was the vice president of the human rights commission at the time. On 27 October 2022 he was released on bail. He was charged with propaganda against the state and he was sentenced to six months in prison and two years ban from leaving the country. He was also charged with encouraging immorality (Art. 639 IPC) and was sentenced to 9 months and fine to 150000000 IRR. During the judicial process his right to access lawyer was violated in several occasions.

On February 2023, he posted a tweet<sup>80</sup> and announced that he was summoned to the 112<sup>th</sup> Branch of the Criminal Court of Tabriz on the charge of disseminating lies online. He said that the charge was because of his activities in the Human Rights Commission of the Bar Association.

A new case has been filed against him in the Isfahan Prosecutor's Office. The reason for filing this case is that Sina Yousefi had informed the illegal behavior of the judge of the case related to "Isfahan House". Also, in a new report, the Judicial Information Protection has asked the East Azerbaijan Bar Association to revoke Sina Yousefi's attorney's license.

- **The Case of Bukan Attorneys<sup>81</sup>**

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<sup>78</sup> [Trial of lawyer representing family of Jina Mahsa Amini postponed \(kurdistanhumanrights.org\)](https://www.kurdistanhumanrights.org/en/news/2023/03/15/trial-of-lawyer-representing-family-of-jina-mahsa-amini-postponed)

<sup>79</sup> [Sina Yousefi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://www.united4iran.org/en/news/2023/03/15/sina-yousefi-human-rights-activism-iran-prison-atlas)

<sup>80</sup> <https://twitter.com/SinaYousefilaw/status/1626181590316380161?s=20>

<sup>81</sup> [Bukan attorneys summoned over Jina Mahsa Amini statement \(kurdistanhumanrights.org\)](https://www.kurdistanhumanrights.org/en/news/2023/03/15/bukan-attorneys-summoned-over-jina-mahsa-amini-statement)

Fifty-five attorneys of Bukan's judiciary, in north-west Iran, have been summoned to Branch Two of the city's Public and Revolutionary Prosecutor's Office due to signing a statement<sup>82</sup> in support of the family of Jina Mahsa Amini, following a complaint from Ali Zahed, the prosecutor of Bukan. In mid-September 2022, after the government's killing of Jina Mahsa Amini, a group of attorneys from Bukan's judiciary had announced their readiness to take on the case and provide legal representation for the family. They also expressed their condolences for the family. It was reported by The Kurdistan Human Rights Network (KHRN) that the prosecutor of Bukan has put pressure on the signing attorneys to retract their statement. After their refusal, the prosecutor filed a complaint against the attorneys, and an investigation was opened against them at Branch Two of the Public and Revolutionary Prosecutor's Office in Bukan. The attorneys have been ordered to appear at Branch Two of the Public and Revolutionary Prosecutor's Office in Bukan within five days, according to a summons sent to them on 11 July. The prosecutor of Bukan has accused the attorneys of "publishing contents that violate public morality".

- **The Case of Mahsa Gholamalizadeh, Saeid Jalilian, Milad Panahipour, Hossein Jalilian and Babak Paknia<sup>83</sup>**

Mahsa Gholamalizadeh, Saeid Jalilian, Milad Panahipour, Hossein Jalilian and Babak Paknia were arrested during the protests in September 2022. Their houses were raided by security forces and they were subjected to ill-treatment. They were all released on bail in October 2022.

- **Zahra Firouz Khordechi<sup>84</sup>**

Zahra Firouz Khordechi is a member of Isfahan Lawyers Association. Her arrest coincided with the start of nationwide protests in Iran in response to the murder of Mahsa Amini.

## **E. Demands and Recommendations**

Given the risk situation that Iranian lawyers and human rights activists face, the undersigned organisations express the following demands and recommendations:

1. The Iranian government should ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference. They should not be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with their work as lawyers. All proceedings against lawyers in connection with their

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<sup>82</sup> [Lawyers in Bukan declare readiness to represent Mahsa Amini's case \(kurdistanhumanrights.org\)](https://kurdistanhumanrights.org/)

<sup>83</sup> [EN HRL 20221004 Iran Arrest-of-lawyers-Mahsa-Gholamalizadeh-Saeid-Jalilian-Milad-Panahipour-Hossein-Jalilian-and-Babak-Paknia.pdf \(ccbe.eu\)](#)

<sup>84</sup> [A Comprehensive Report of the First 82 days of Nationwide Protests in Iran - Hrana \(en-hrana.org\)](https://en-hrana.org/)

professional practice should be terminated. All lawyers that are imprisoned for convictions in connection with their professional practice should be released.

2. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. They should not be charged for representing their client's, regardless of the client's charges.

3. Lawyers should have the right to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference. The Iranian government should stop all interference with the independence of these organisations.

4. The government should cooperate with these organisations to ensure that everyone has effective and equal access to legal services and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.

5. Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review. There should be no direct or indirect interference by the Iranian government. Codes of professional conduct for lawyers shall be established by the legal profession itself through its appropriate organs, or by legislation.

6. There should be no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status.

7. The Iranian government should ensure the safety of lawyers, when they are threatened as a result of discharging their functions.

8. Lawyers shall not be pursued for statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

9. Like all citizens the freedom of expression, belief, association and assembly should be granted to lawyers. They should have the right to take part in public discussion of all matters, especially concerning the law, politics, the government and the administration, and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions.

10. All people should have access to lawyers and legal services of their own choice, in order to protect and establish their rights and to defend them. This right should apply to all people without distinction of any kind, such as discrimination based on race, colour, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth, economic or other status. This should be ensured by providing sufficient funding and other resources for legal services.

11. When charged with a criminal offence, the affected should be immediately informed about the charges and should have the right to be assisted by a lawyer of their own choice. Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer.

12. Lawyers should be granted access to all information, files and documents necessary to provide effective legal assistance to their clients. Such access should be provided at the earliest possible time. The Iranian government should recognize that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

13. Lawyers should have appropriate education and training and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.

14. No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client.

15. In addition to all these points, from autumn 2022 to the present day, taking into account the main motivation for the prosecutions targeting lawyers and the demand for access to justice in Iranian society, the authorities shall accept a public enquiry into the death of Mahsa Amini and the other victims by an independent international commission.

