



H.E. Ayatollah Sayyid Ali Khamenei
The Office of the Supreme Leader
Shoahada Street
Qom
Islamic Republic of Iran

cc. Ayatollah Sadegh Larijani
The Office of the Head of the Judiciary
Tehran, Islamic Republic of Iran

29 January 2018

Your Excellency

The Bar Council of England and Wales and the Bar Human Rights Committee of England and Wales express profound concern for lawyers and other human rights defenders in Iran who continue to be persecuted for undertaking their professional obligations to their clients, enabling them to exercise the basic human right of access to justice. The Bar Council and the Bar Human Rights Committee are particularly concerned about the ongoing detention of the prominent lawyers, Abdolfattah Soltani and Narges Mohammadi who have spent their legal careers advocating for the rule of law in Iran.

Abdolfattah Soltani, the lawyer and co-founder with Dr Shirin Ebadi of the Centre for Human Rights Defenders (DHRC) is currently serving a 13-year sentence for “spreading propaganda against the system”, “endangering national security” and “setting up an illegal opposition group”. He was also charged with “accepting an illegal prize” relating to his acceptance of the Nuremberg International Human Rights

Award. Mr Soltani has now been in prison for almost six years, despite suffering from numerous medical conditions.

Narges Mohammadi, the prominent campaigner against the death penalty (especially for minors) and Vice President of the DHRC, was arrested and sentenced to six years imprisonment in 2012 for “meeting and conspiring against the Islamic Republic,” and “spreading anti-government publicity”. Although she was released in 2013 on medical grounds, she was arrested again in 2015 without notice, to serve the remainder of her sentence. In May 2016, the Islamic Revolutionary Court sentenced her to an additional 16 years’ imprisonment on the basis of three new charges: “assembly and collusion to commit crimes against national security,” “spreading propaganda against the State,” and “establishing and running the illegal splinter group LEGAM”. This sentence was upheld by the Tehran Court of Appeals.

The detention of Abdolfattah Soltani and Narges Mohammadi is a clear and continuing breach of international law. As with every citizen, members of the legal profession have the right freely to express their opinion. The International Covenant on Civil and Political Rights, to which Iran is a party, guarantees the right to freedom of expression, freedom of association and the right to liberty and security.

We regret that their cases are not isolated – we understand that lawyers in Iran are routinely prohibited from practising and arrested, detained and prosecuted as a result of accepting instructions in sensitive cases. Such conduct breaches principle 16 of the UN Basic Principles on the Role of Lawyers which provides that “Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” and “shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and services.” Principle 18 of the Basic Principles provides that lawyers “shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

Lawyers play a crucial role in ensuring the protection of human rights of all those subject to domestic law. When a lawyer is punished for representing a client, the client’s right to access to justice and a fair trial is denied and the rule of law itself is threatened. We respectfully urge the Islamic Republic of Iran to comply with its international obligations and international standards.

In the month in which the Day of the Endangered Lawyer is marked, we call on the Iranian authorities to release all lawyers such as Abdolfattah Soltani and Narges Mohammadi and all those detained for their work defending the human rights of their clients.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Walker', with a horizontal line underneath the name.

Andrew Walker QC

Chair of the Bar Council of England and Wales

A handwritten signature in black ink, appearing to read 'Kirsty Brimelow', with a horizontal line underneath the name.

Kirsty Brimelow QC

Chairwoman, Bar Human Rights Committee of England and Wales (BHRC)