



ADVOCACY CHARTER LAWYERS FOR LAWYERS – UPR Islamic Republic of Iran – 34th SESSION – November 2019

Lawyers for Lawyers (L4L), established in 1986, is an independent foundation merely funded by lawyers' donations. L4L is committed to safeguard the proper functioning of the rule of law through a free and independent exercise of the legal profession in accordance with international norms, including the United Nations Basic Principles on the Role of Lawyers. L4L was granted Special Consultative status with the UN Economic and Social Council in July 2013. www.lawyersforlawyers.org

Stakeholders' submission	Suggested questions	Suggested recommendations
Detention of lawyers		
<p>Lawyers in Iran working on sensitive cases have been subjected to harassment, improper interference, arbitrary arrests, prosecutions, and convictions on improper grounds, such as the expression of critical views or giving interviews to foreign media. Since January 2018, over a dozen lawyers have been arrested and detained and some of them were sentenced to lengthy prison terms and floggings. Lawyers that have been sentenced during this period include Nasrin Sotoudeh and Amir Salar Davoodi.</p> <p>Their sentences are often based on vague or overly broad charges such as “spreading propaganda against the system”. The imprisonments of these lawyers are part of a greater pattern in which repressive measures taken by the Iranian authorities against human rights lawyers are increasing in order to silence them and prevent them from carrying out their legitimate work.</p>	<p>(1) How does Iran prevent that lawyers are identified with their clients and suffer or be threatened with (criminal) prosecution or other sanctions for the legitimate exercise of their profession?</p> <p>(2) How does Iran ensure the effective protection of lawyers' rights to freedom of expression or the right to participate in public affairs?</p>	<p>Refrain from any actions that may constitute harassment, persecution or undue interference in the work of lawyers including criminal prosecution on improper grounds, such as the expression of critical views or the nature of cases they are involved in, in accordance with article 16(c) of the Basic Principles on the Role of Lawyers.</p> <p>Take immediate measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in article 23 of the Basic Principles on the Role of Lawyers, in particular their right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights, without suffering professional restrictions by reason of their lawful action</p> <p>Immediately release Nasrin Sotoudeh, Amir Salar Davoodi and other lawyers detained as a result of discharging their professional duties and compensate them for violations of their internationally protected rights.</p>
Restrictions on access to a lawyer		
<p>In May 2019 a new amendment to Iran's Code of Criminal Procedure was passed and enacted. Under this amendment prosecution and judicial authorities are allowed to deny detainees facing “national security” and certain other criminal charges the right to access to a lawyer during 25 days, while they are under investigation. This amendment undermines the right to a fair trial, which includes the right to prompt legal counsel, as provided for by art. 14 ICCPR.</p> <p>The right to legal counsel is not only restricted in a way provided for by law as set out above. Lawyers representing clients in sensitive cases are sometimes without reason denied access to their clients in detention facilities and in some cases to the court, thereby making it impossible for them to discharge their function.</p>	<p>(3) How does Iran ensure that the right to fair trial which includes the right to prompt access to legal counsel during the investigation phase, as provided for by art. 14 ICCPR, is respected?</p> <p>(4) How does Iran ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the proper functioning of the legal profession, including the access of lawyers to detention facilities and court buildings?</p>	<p>Revise Iran's Code of Criminal Procedure in such a way that the right to a fair trial is respected and that it will not allow prosecution and judicial authorities to deny detainees facing “national security” and certain other criminal charges the right to access a lawyer.</p> <p>Take immediate measures to ensure that sufficient safeguards are in place, both in law and in practice, to guarantee that lawyers can effectively discharge their professional duties, including their unimpeded access to clients in detention facilities and court buildings.</p>