

BY PRIORITY AIRMAIL

His Excellency Ayatollah Ali Hosseini Khamenei
Supreme Leader of the Islamic Republic of Iran
The Office of the Supreme Leader
Tehran Province, Tehran, District 11,
Islamic Republic of Iran

Amsterdam, 16 March 2021

Subject: Imprisonment of Hoda Amid

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the Economic and Social Council of the United Nations in July 2013.

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research and education. Lawyer for Lawyers and LRWC are NGOs in Special Consultative Status with the Economic and Social Council of the United Nations (UN).

Lawyers for Lawyers and LRWC are concerned about the situation of lawyer and women's rights defender Hoda Amid. Ms. Amid has played a prominent role in educating Iranian women about marital and familial legal rights in Iran.

According to our information, Hoda Amid and her colleague were arrested in their homes by security forces on 1 September 2018 and detained for more than two months in the Evin Prison. It has been reported that Hoda Amid's arrest is connected to the educational workshops she and another human rights defender organised from 2015 until her arrest in September 2018. She was eventually released on bail.

On 31 October 2020, Hoda Amid was sentenced to 8 years in prison, a two year ban on practicing law, and a two year membership ban on participating in political parties and groups and activities in cyberspace, media, on charges of "collaborating with the hostile American government against the Islamic Republic on women and family issue".

The sentences were not communicated to Hoda Amid and her colleague until 12 December 2020. Hoda Amid appealed this decision. On 13 February 2021, she was informed that Branch 36 of the Tehran Court of Appeals had issued a ruling on 2 February 2021 to uphold the October 2020 ruling issued by Branch 15 of the Revolutionary Court of Tehran.

Lawyers for Lawyers and LRWC are concerned that the sentencing of Hoda Amid is aimed at curbing her legitimate activities as an attorney and as a women's human rights educator and advocate.

We remind you of Iran's obligations as a State Party to the *International Covenant on Civil and Political Rights* (ICCPR),¹ which Iran ratified in 1975. ICCPR Article 14 requires Iran to ensure that every person charged with an offence has the right to legal assistance and counsel of their own choosing. It is fundamental to the fulfilment of this right that lawyers are able to practice their profession without interference, intimidation, or judicial harassment.

We draw your attention to the UN Basic Principles on the Role of Lawyers², which provide a concise description of key international norms relating to right to independent counsel of choice. In particular, Article 16, and 23 state:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (c) 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 ethics.

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

¹ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

² The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

In view of the above, Lawyers for Lawyers and LRWC respectfully urge you to immediately:

- Release Hoda Amid and drop all charges against her unless credible evidence of an international recognizable criminal offence is presented in proceedings that respect fair trial guarantees;
- Put an end to all acts of harassment against Hoda Amid, including at the judicial level;
- Guarantee in all circumstances that all lawyers in Iran are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment;
- Accept UN Special Procedures mandate holders' requests for country visits, including requests by the Special Rapporteur on human rights in Iran,³ the Working Group on Arbitrary Detention, and the Working Group on Discrimination against Women and Girls.⁴

Thank you for your attention to this very important matter. We look forward to receiving your response and assurance that the government of Iran will give the situation of Ms. Amid the attention and remedial action required by international human rights law binding on Iran. We will continue to monitor this case closely.

Yours sincerely,

Lawyers for Lawyers
Lawyers' Rights Watch Canada

³ UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, A/HRC/46/50, 11 January 2021, para 63(I), available at: <https://undocs.org/en/A/HRC/46/50>.

⁴ See the list of visits and requests by UN Special Procedures at: <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=IRN&Lang=en>