

Iran (Islamic Republic of)

Mid-term Report - Review of the implementation of recommendations with respect to the rule of law and the role of human rights defenders and lawyers accepted by Iran during the UPR in 2019

Lawyers for Lawyers Foundation

PO Box 15732

1001 NE Amsterdam

The Netherlands

T +31 (0) 20 717 16 38

E Info@lawyersforlawyers.org

www.lawyersforlawyers.org

I. Introduction

1. Lawyers for Lawyers ('**L4L**') seeks to assess the human rights performance of states with respect to the rule of law and the role of lawyers through the Universal Periodic Review (the '**UPR**'). The Report of the Working Group on the UPR dated 12 November 2019¹ (the '**Report**') contains recommendations with respect to the rights of human rights defenders and lawyers in Iran. In the corresponding addendum to the Report dated 20 February 2020² (the '**Addendum**'), Iran responded by (partially) accepting eleven of these recommendations (set out below under III).
2. This mid-term report examines the extent to which Iran has implemented these eleven recommendations two years after accepting them. To that end, this document contains an overview of the accepted recommendations, discusses the importance of implementing effective mechanisms to protect human rights, and addresses the current status of Iran's implementation of each of the accepted recommendations.
3. This submission makes reference to Iran's obligations under customary international law, the Universal Declaration of Human Rights ('**UDHR**'), the International Covenant on Civil and Political Rights ('**ICCPR**') which Iran signed on 4 April 1968,³ and the United Nations ('**UN**') Basic Principles on the Role of Lawyers ('**Basic Principles**').⁴

II. Executive Summary

4. During the 2019 UPR, Iran received and (partially) accepted eleven recommendations pertaining to:
 - a) the effective protection of human rights defenders and lawyers against harassment;
 - b) guaranteeing the right to a fair trial, including the right to choose one's lawyer;
 - c) the right to freedom of expression of human rights defenders and lawyers.
5. This submission outlines findings of L4L as to the extent to which Iran has implemented these eleven (partially) accepted recommendations and concludes that Iran has not adequately implemented them. Iran has failed to respect the rights of lawyers by not adequately enabling them to perform their professional functions without intimidation, hindrance, harassment or improper interference. Furthermore, Iran has failed to take substantive steps to uphold the right to a fair trial and to guarantee the equal right of everyone to effective access to justice and legal assistance of their choice.

L4L recommendations

- a. Respect the rights of lawyers by guaranteeing that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and ensuring that lawyers are not being subjected to arbitrary detention and improper criminal charges, in accordance with Articles 16(a) and (c) and 23 of the Basic Principles; Articles 9, 14

¹ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, A/HRC/WG.6/34/L.9, 12 November 2019.

² Report of the Working Group on the Universal Periodic Review: Iran: Addendum, A/HRC/43/11/Add.1, 20 February 2020.

³ The Vienna Convention on the Law of Treaties, 23 May 1969, in force on 27 January 1980, states in Article 18 that when a State signs a treaty it is "obliged to refrain from acts which would defeat the object and purpose of a treaty."

⁴ 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.

and 19 of the ICCPR; and Articles 3, 5, 7, 11 and 19 of the UDHR. Iran should implement recommendations 6.161, 6.326, and 6.329 fully and without any delay.

- b. Uphold the right to fair trial, and guarantee everyone's right to effective access to justice and legal assistance of their choice, in line with the Preamble and Principle 1 of the Basic Principles, Article 14 of the ICCPR, and Article 11 of the UDHR. Iran should implement recommendations 6.170, 6.177, 6.178, and 6.180 fully and without any delay.
- c. Guarantee that lawyers may exercise their right to freedom of expression, as set out in Article 23 of the Basic Principles; Articles 18, 19 and 21 of the ICCPR; and Articles 19 and 20 of the UDHR. Iran should implement recommendations 6.157, 6.165, 6.167, 6.325, 6.623, and 6.629 fully and without any delay.

III. UPR recommendations accepted by Iran

- 6. During the 2019 UPR cycle, Iran received and (partially) accepted three recommendations on the effective protection of human rights defenders and lawyers against harassment;
 - a. Implement its international obligations to ensure the protection of human rights defenders, lawyers and other exercising their rights to freedom of opinion and expression, assembly and association in compliance with international human rights law, and to ensure all investigations, prosecutions, and trials against human rights defenders meet international standards (Recommendation 6.161 – submitted by Finland);
 - b. Protect human rights defenders and media workers and fully guarantee the right to freedom of expression and association (Recommendation 6.326 – submitted by Slovenia);
 - c. Create a safe and enabling environment for civil society and human rights defenders especially women human rights defenders (Recommendation 6.329 – submitted by Norway).
- 7. Iran also received and accepted four recommendations pertaining to guaranteeing the right to a fair trial, including the right to choose one's lawyer:
 - a. Guarantee the right to a fair trial, including the right to choose one's lawyer, including for those accused of offenses related to national security (Recommendation 6.170 – submitted by Switzerland);
 - b. 6.177 Guarantee the right to a fair trial and repeal article 48 of the Criminal Procedure Code (Recommendation 6.177 – submitted by France);
 - c. Ensure the independence of the judicial system and ensure the rules of fair trial, the right to defence and access to a freely chosen lawyer (Recommendation 6.178 – submitted by Germany);
 - d. Guarantee, in law and practice, fair trial standards, including access to legal representation from the time of arrest through all stages of trial and appeals, and abate torture, cruel and inhuman or degrading treatment (Recommendation 6.180 - submitted by North Macedonia).
- 8. Furthermore, Iran received and accepted six recommendations on respecting the right to freedom of expression of human rights defenders and lawyers:
 - a. Guarantee the rights to freedom of expression, association and assembly, and release political prisoners, including women's rights activists, labour rights activists, environmentalists, scholars, lawyers and journalists, detained for exercising these rights (Recommendation 6.157 – submitted by Australia);
 - b. Guarantee freedom of opinion, expression and assembly and cease arrests of human rights defenders peacefully exercising these rights (Recommendation 6.165 – submitted by Italy);

- c. Take steps to encourage freedom of expression; ensuring that human rights defenders, lawyers and journalists are not subjected to intimidation or arbitrary arrest in connection with their work (Recommendation 6.167 – submitted by New Zealand);
 - d. Fully guarantee the rights of freedom of expression and to peaceful assembly and association, by creating an enabling environment, especially for women human rights defenders and human rights lawyers (Recommendation 6.325 – submitted by Belgium);
 - e. Recommendation 6.326 (see above);
 - f. Recommendation 6.329 (see above).
9. L4L welcomes the (partial) acceptance by Iran of the abovementioned recommendations relating to the effective protection of human rights defenders and lawyers against harassment, guaranteeing the right to a fair trial, including the right to choose one's lawyer, and the right of freedom of expression of human rights defenders and lawyers.
10. However, L4L find that these eleven recommendations have not been fully implemented at the time of submission of this report (July 2022).

IV. The importance of effective mechanisms for the protection of human rights

11. Lawyers are fundamental to improving human rights for all people in Iran and must be able to work independently without fear of harassment or intimidation.
12. The adequate protection of human rights and fundamental freedoms requires that everyone has effective access to justice and legal assistance. In order to guarantee effective access to justice and legal assistance, it is of paramount importance that a judicial system is in place in which lawyers, judges, and prosecutors are able to carry out their professional activities independently and without undue external pressure or interference.⁵ This principle is grounded in the UDHR and the ICCPR and explicitly set out in the Basic Principles, among other international human rights standards.
13. In discharge of its obligation to promote and maintain an effective legal system, the government of Iran is obligated to respect the UDHR, the ICCPR and the Basic Principles and use these documents as the cornerstones for the framework of its national legislation and practice. Adherence to the Basic Principles is a fundamental pre-condition for fulfilling the requirement that all persons have equal and effective access to legal assistance and representation.
14. L4L welcomes Iran's commitment to the (partially) accepted recommendations. L4L believes that flowing from this commitment to the (partially) accepted recommendations is a commitment of the government of Iran to ensuring the protection of lawyers, as without this the implementation of the (partially) accepted recommendations cannot be realised.
15. Reports of arbitrary detention and suppression of lawyers' rights convincingly indicate that, in practice, Iran does not uphold safeguards necessary to ensure the proper functioning of the legal system and the role of lawyers. Lawyers in Iran encounter severe restrictions and external pressure in carrying out their professional duties. Numerous of lawyers have experienced arbitrary detention or other violations of their fundamental rights and freedoms as a result of their lawful representation of their clients.

⁵ See for example the Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, submitted in accordance with Human Rights Council resolution 8/6, 28 July 2009, A/64/181, par. 12: 'lawyers are not expected to be impartial in the manner of judges yet they must be as free as judges from external pressures and interference. This is crucial if litigants are to have trust and confidence in them'.

V. Respecting the rights of lawyers

a. Criminal prosecution of lawyers

16. L4L has long been concerned about attempts to harass and disrupt the work of lawyers in Iran who work on cases that engage human rights. In accordance with Principle 16(a) of the Basic Principles, governments must ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”.
17. Since the UPR of Iran in 2019, there have been a multitude of cases in which lawyers have been hindered in the execution of their professional functions. Lawyers in Iran working on sensitive cases have been subjected to harassment, improper interference, illegitimate prosecutions, unfair trials, and arbitrary deprivation of liberty.
18. The increase of arrests, arbitrary detention, and illegitimate criminal prosecution of lawyers in Iran that have taken place since the UPR of Iran in 2019, stands in stark contrast to the safety guaranteed to lawyers under the Basic Principles. Interference in the work of lawyers in the form of arrests, arbitrary detention and illegitimate prosecution results in violations of the right to a fair trial under article 14 of the ICCPR.
19. The UN Human Rights Committee has stated that “lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter.”⁶ In addition, illegitimate actions taken against the lawyers violate the right to a fair trial of the clients they represent, because it deprives them of legal representation of their own choosing and restricts access to justice for people in Iran in an impermissible manner.⁷
20. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran recently expressed dismay at “the continued arbitrary detention of human rights defenders and lawyers following unfair trials, and their long prison sentences and harsh bail conditions as they face vaguely worded charges of “acting against national security” and using “propaganda against the regime”.⁸
21. When referring to the case of imprisoned Iranian human rights lawyer Nasrin Sotoudeh, who was sentenced to 38 years in prison and 148 lashes in March 2019⁹, UN experts stated that her case is: “sadly not isolated, and the severe sentences she has received appear to be intended to silence her work and to intimidate other human rights defenders”.¹⁰ On 15 June 2022, UN experts raised alarm about the crackdown on civil society and the “recent escalation of allegedly arbitrary arrests of (...) lawyers, human rights defenders and other civil society actors”.¹¹

⁶ Human Rights Committee, General Comment No. 32, Article 14: Right to equality before court and tribunals and to a fair trial, 23 August 2007, CCPR/C/GC/32, par. 34.

⁷ ICCPR, Art. 14.

⁸ United Nations General Assembly “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/49/75”, par 22, 13 January 2022, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc4975-situation-human-rights-islamic-republic-iran-report-special>

⁹ Lawyers for Lawyers, “Nasrin Sotoudeh jailed for 38 years”, 12 March 2019, available at: <https://lawyersforlawyers.org/nasrin-sotoudeh-jailed-for-38-years/>

¹⁰ OHCHR, “Iran: Jailed for defending women who opposed compulsory veiling, Nasrin Sotoudeh must be freed, say UN experts”, 21 June 2021, available at: <https://www.ohchr.org/en/press-releases/2021/06/iran-jailed-defending-women-who-opposed-compulsory-veiling-nasrin-sotoudeh>

¹¹ OHCHR, “Iran: UN experts alarmed by civil society crackdown”, 15 June 2022, available at: <https://www.ohchr.org/en/press-releases/2022/06/iran-un-experts-alarmed-civil-society-crackdown>

22. The pattern of arrests of lawyers is illustrated by the following cases¹²:

Hoda Amid

Human rights lawyer Hoda Amid was arrested in her home by security forces on 1 September 2018 and detained for more than two months in 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.¹³

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.¹⁴

Payam Derafshan

On 8 June 2020, human rights lawyer Payam Derafshan was arrested and on 8 July 2020 sentenced to 2.5 years in prison by Branch 26 of the Revolutionary Court for "propaganda against the state," "spreading falsehoods" and "unauthorized disclosure." The sentence was upheld by the Appeals Court on July 23, 2020.¹⁵

Previously, in May 2020, Mr. Derafshan was sentenced to two years imprisonment and suspended from practicing law for a period of two additional years.¹⁶ According to his Mr. Derafshan's lawyer, the authorities wanted to imprison Derafshan due to his strong stance against the judicial ban of the messaging app Telegram.¹⁷ On appeal, the prison sentence was reduced to one year and two months, and then suspended.

Mohammed Najafi

Human rights lawyer Mohammad Najafi has been arbitrarily detained since 2018 on multiple convictions due to his defence of civil and political rights.¹⁸

Since the UPR of Iran in 2019, Mr. Najafi was sentenced to two years in prison, in January 2020, for "publishing falsehoods with the intention to disturb public opinion" in connection with an open letter of protest¹⁹ he wrote to Supreme Leader Ali Khamenei on 8 September 2018, and in February 2020, he was sentenced to six months in prison for a speech he made at a ceremony honoring Sattar Beheshti, a blogger who died under torture in police custody in 2012.²⁰ On 2 July

¹² The summaries of individual cases in this report contain only information available from public sources.

¹³ Center for Human Rights in Iran, "Three Detained Women's Rights Activists Should be Immediately Released", 11 September 2018, available at: <https://iranhumanrights.org/2018/09/three-detained-womens-rights-activists-should-be-immediately-released/>

¹⁴ Lawyers for Lawyers, "Joint letter on the imprisonment of Hoda Amid", 17 March 2021, available at: <https://lawyersforlawyers.org/en/joint-letter-on-the-imprisonment-of-hoda-amid/>

¹⁵ Center for Human Rights in Iran, "Imprisoned Human Rights Lawyers In Poor Health, Needs Hospitalization", 18 August 2020, available at: <https://iranhumanrights.org/2020/08/imprisoned-human-rights-lawyer-in-poor-health-needs-hospitalization/>

¹⁶ Lawyers for Lawyers, "Payam Derafshan sentenced", 13 May 2020, available at: <https://lawyersforlawyers.org/en/24385/>

¹⁷ Ibid.

¹⁸ Lawyers for Lawyers, "Free Imprisoned Human Rights Lawyer Mohammad Najafi in Iran", 3 March 2022, available at: <https://lawyersforlawyers.org/en/free-imprisoned-human-rights-lawyer-mohammad-najafi-in-iran/>

¹⁹ Peyke Iran, "إنامه محمد نجفی وکیل دادگستری به خامنه ای: انتخاب ما نه امام در ماه بود نه ملت در چاه", September 2018, available at: <https://www.peykeiran.com/Content.aspx?ID=165174>

²⁰ Iran International, "شد محکوم دیگر حبس ماه ۶ به عشقی گوهر منزل در قیل سال سه سخنرانی اتهام به، زندانی وکیل، نجفی محمد", February 2020, available at: <https://tinyurl.com/2a3cxrc3>

2021, he was once again charged with “propaganda against the state” for calling for a boycott of the presidential elections, changing the constitution and the removal of Khamenei.²¹

Amirsalar Davoudi

On 1 June 2019, human rights lawyer Amirsalar Davoudi was sentenced by Branch 15 of the Revolutionary Court to 30 years and three months in prison, 111 lashes, a fine of 60 million rials. He is also deprived of his social rights (as has been enshrined in Article 26 of the Islamic Penal Code) for two years.²² On 18 July 2021, Branch 28 of Tehran’s Revolutionary Court made their decision to uphold the verdict of Branch 15 of the Revolutionary Court.²³

Mr. Davoudi’s charges included “insulting the Supreme Leader”, “spreading propaganda against the system” and “forming a group with the purpose of disrupting national security”. The charges are related to interviews he had given and a post he had uploaded to a channel he ran on Telegram, in which he raised concerns about the human rights situation in Iran and the treatment of lawyers.²⁴

VI. Free choice of legal representation

23. Article 35 of Iran’s constitution 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.*”²⁵ Yet, in 2015 Iran amended certain articles of its Code of Criminal Procedure.²⁶ Pursuant to Article 48 of Iran’s Criminal Procedures Regulations, people have the right to ask for and have a meeting with a lawyer as soon as they are detained. However, the implemented Note to Article 48 makes exceptions: “*In cases of crimes against internal or external security (...) 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.*”²⁷ Detainees suspected of committing such crimes are also prevented—before the charge is proven—from choosing a lawyer of their choice and restricted to selecting a lawyer from a list approved by the judiciary chief.²⁸ This also entails that independent lawyers are not able to assist clients who are suspected of crimes against the internal or external security of the country. This Note is therefore not in line with Article 1 of Basic Principles which lays down that “*all persons are entitled to call upon the assistance of a lawyer of their choice*”.

24. In the wake of a massive influx of detainees following protests in several Iranian cities at the end of 2017, more than 150 lawyers have called on Judiciary Chief Sadegh Larijani to stop restricting

²¹ Lawyers for Lawyers, “Free Imprisoned Human Rights Lawyer Mohammad Najafi in Iran”, 3 March 2022, available at:

<https://lawyersforlawyers.org/en/free-imprisoned-human-rights-lawyer-mohammad-najafi-in-iran/>

²² Lawyers for Lawyers, “Amirsalar Davoudi on hunger strike”, 25 February 2020, available at:

<https://lawyersforlawyers.org/en/amirsalar-davoudi-on-hunger-strike/>

²³ Iran Human Rights, “Lawyer Amirsalar Davoudi’s Retrial Upholds 30 Years Imprisonment and 111 Lashes”, 31 July 2021, available at: <https://iranhr.net/en/articles/4831/>

²⁴ Lawyers for Lawyers, “Two years since the arrest of Amirsalar Davoudi”, 20 November 2020, available at:

<https://lawyersforlawyers.org/en/two-years-since-the-arrest-of-amirsalar-davoudi/>

²⁵ Iran’s constitution: <https://fis-iran.org/en/resources/legaldoc/constitutionislamic>

²⁶ In addition to article 48 of Iran’s Criminal Code more concerning amendments were made. One such amendment concerns the significant changes relating to cases than can be appealed to the Supreme Court of the IRI. The amendments to Article 428 of the Code of Criminal Procedure increase the threshold for triggering Supreme Court review. Other amendments include: the expansion of circumstances in which a person is considered fit to stand trial (Article 13); a rule preventing non-governmental organizations from attending court sessions involving crimes against decency even if they initiated the case (Article 66); a rule which allows the procurator to delegate some of his or her investigative responsibilities (Article 98), which makes the process of surveilling bank accounts easier for judiciary officials (Article 151); and a rule allowing Criminal, Revolutionary and provincial Appellate courts to have a quorum with the presence of two judges (Articles 296, Article 297, and Article 426), where all judges had to be present in the past.

²⁷ Iran Human Rights Documentation Center, 7 August 2015: <https://iranhrdc.org/amendments-to-the-islamic-republic-of-irans-code-of-criminal-procedure-part-1/>

²⁸ Center for Human Rights in Iran, 14 March 2018: <https://iranhumanrights.org/2018/03/iranian-lawyers-judiciarys-mandatory-list-of-approved-counsel-sets-dangerous-precedent/>

the detainees' access to legal counsel.²⁹ According to our knowledge, the judiciary has not published its approved list at the time of writing this report. The Note to Article 48 also enables judicial authorities to delay and individual's access to counsel in cases involving alleged "national security" crimes – which are typically used against activists, human rights defenders and perceived critics of the State party.³⁰

25. Furthermore, in November 2019, Judiciary Chief Ebrahim Raisi ruled that Appeal Courts could issue verdicts without the presence of the defendants and their lawyers. This effectively renders the appeal process meaningless.³¹
26. In response to the implementation of the note to Article 48, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed concerns that "not only that article 48 undermines the independence of the legal profession, but also that it is a serious impediment to due process and the right to a fair trial."³²
27. Since the UPR of Iran in 2019, various human rights defenders, including lawyers were denied access to a lawyer of their own choosing and restricted to selecting a lawyer from a list approved by the judiciary chief.

VI. The right to freedom of expression of lawyers

28. Lawyers, like any other individual, have the right to freedom of expression. In particular, they 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.³³ The freedom of expression that lawyers enjoy in connection to their professional functions should not only be guaranteed in light of the rights of the lawyer, but also in protection of the rights of their clients.
29. The UN Human Rights Committee's General Comment No. 34 on the right to freedom of opinion and expression (Article 19 ICCPR) states that: "Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19. Journalists are frequently subjected to such threats, intimidation and attacks because of their activities. So too are persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers. All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress."
30. In the Addendum, Iran stated that "the laws of the Islamic Republic of Iran such as the Press Law shall guarantee the freedom of expression and free access to information for all" and that in light of Article 19 ICCPR "restrictions may be enforced in order to safeguard public order, ethics, morality, public health and national security as well as private rights of individuals".³⁴
31. However, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran stated that lawyers "operate in an increasingly unpredictable and repressive environment for

²⁹ The signatories include prominent Iranian human rights lawyers Nasrin Sotoudeh, Abdolfattah Soltani and Mohammad Seifzadeh.

³⁰ Center for Human Rights in Iran, "List Of Attorneys Imprisoned In Iran For Defending Human Rights", 23 June 2020, available at: <https://www.iranhumanrights.org/2020/06/list-of-attorneys-imprisoned-in-iran-for-defending-human-rights/>.

³¹ Ibid.

³² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, A/HRC/43/61, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

³³ UN Basic Principles on the Role of Lawyers, Principle 23.

³⁴ Report of the Working Group on the Universal Periodic Review: Iran: Addendum, A/HRC/43/11/Add.1, 20 February 2020, par. 10.

merely exercising the right to freedom of expression, association or assembly”.³⁵

32. Lawyers in Iran have faced arrests and criminal prosecution in connection to them exercising their right to freedom of expression. This is demonstrated by the following cases.³⁶

Mostafa Nili, Arash Keykhosravi, and Mohammad Reza Faghihi

On August 14, 2021, Iranian authorities arbitrarily arrested a group of seven human rights defenders, including five lawyers, 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.³⁷

The lawyers and human rights defenders were arrested at the office of the Tehran Citizens' Rights Protection Association, a human rights organization they recently established and registered. Two lawyers were released after a few hours. Two other detainees from the group, including one lawyer, were also released on bail on August 29, 2021.³⁸ The three other members of the group, including two lawyers, were released from prison in December 2021.

On 22 June 2022 it was announced that a Revolutionary Court in Tehran sentenced lawyers Mostafa Nili to four years in prison, lawyer Arash Keykhosravi to two years in prison, and Mohammad Reza Faghihi for questioning the government's management of the Covid-19 crisis.³⁹

Amirsalar Davoudi

Mr. Davoudi has been prosecuted because of his use of his Telegram social media channel and interviews with the Voice of America (VOA) Persian news service and the Center for Human rights in Iran to raise concerns about Iran's treatment of human rights defenders.⁴⁰ See page 7 for more information about his case.

Mohammed Najafi

Mr. Najafi has been unlawfully and unjustly imprisoned in Iran since 2018 on multiple convictions for his defense of basic civil and political liberties. In December 2018, he was sentenced to one year in prison for “propaganda against the state,” two years in prison for “insulting the Supreme Leader,” 10 years in prison for “collaboration with enemy states through transferring news and information in interviews with the Voice of America, Radio Farda and BBC Persian,” and an additional year for “disturbing public opinion” based on his posts on social media critical of the Iran.⁴¹

Since 2020 he has been sentenced for an open letter of protest he wrote to Supreme Leader Ali Khamenei, a speech he made at a ceremony honoring Sattar Beheshti, a blogger who died under

³⁵ United Nations General Assembly “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, Javid Rehman, A/HRC/49/75”, par 22, 13 January 2022, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc4975-situation-human-rights-islamic-republic-iran-report-special>

³⁶ The summaries of individual cases in this report contain only information available from public sources.

³⁷ Human Rights Watch, “Iran: Government Mismanagement Compounds Covid-19 Crisis”, 19 August 2021, available at: <https://www.hrw.org/news/2021/08/19/iran-government-mismanagement-compounds-covid-19-crisis>

³⁸ HRNA, “نیللی مصطفی و کیخسروی آرش، محمودیان مهدی دادگاه تعویق”، 14 July 2021, available at: <https://www.hra-news.org/2021/hranews/a-32081/>

³⁹ Center for Human Rights in Iran, “In Cahoots with the State, Iranian Court Sentences Lawyers, Activists Trying to Sue Officials to Prison”, 22 June 2022, available at: <https://iranhumanrights.org/2022/06/in-cahoots-with-the-state-iranian-court-sentences-lawyers-activists-trying-to-sue-officials-to-prison/>

⁴⁰ Lawyers for Lawyers, “Iran: Arbitrary detention of lawyers and human rights defenders”, 19 January 2022, available at: <https://lawyersforlawyers.org/iran-arbitrary-detention-of-lawyers-and-human-rights-defenders/>

⁴¹ Lawyers for Lawyers, “Free Imprisoned Human Rights Lawyer Mohammad Najafi in Iran”, 3 March 2022, available at: <https://lawyersforlawyers.org/en/free-imprisoned-human-rights-lawyer-mohammad-najafi-in-iran/>

torture in police custody, for calling for a boycott of the presidential elections, changing the constitution and the removal of Khamenei. See page 6 and 7 for more information about his case.

VIII. Conclusion

33. During the 2019 UPR, Iran received and partially accepted eleven recommendations with respect to the effective protection of human defenders and lawyers, including recommendations pertaining to guaranteeing the right to a fair trial, including the right to choose one's lawyer, and to the right of freedom of expression of human rights defenders and lawyers.
34. Iran has, to date, not implemented recommendations 6.157, 6.161, 6.165, 6.167, 6.170, 6.177, 6.178, 6.180, 6.325, 6.326, and 6.329.
35. Iran has failed to respect the rights of lawyers by not adequately enabling lawyers to perform their professional functions without intimidation, hindrance, harassment or improper interference. Over the last few years, a number of human rights lawyers have criminally prosecuted after having worked on sensitive human rights related cases or after exercising their freedom of expression. Furthermore, Iran has failed to take substantive steps to uphold the right to a fair trial and to guarantee that every citizen has effective access to justice and legal assistance of their choice. The Note to Article 48 Criminal Procedures Regulations remains one of the main obstacles to access an independent lawyer of one's own choosing.
36. Therefore, L4L urges Iran to:
 - a. Respect the rights of lawyers by guaranteeing that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and ensuring that lawyers are not being subjected to arbitrary detention and improper criminal charges, in accordance with Articles 16(a) and (c) and 23 of the Basic Principles; Articles 9, 14 and 19 of the ICCPR; and Articles 3, 5, 7, 11 and 19 of the UDHR. Iran should implement recommendations 6.161, 6.326, and 6.329 fully and without any delay;
 - b. Uphold the right to fair trial, and guarantee everyone's right to effective access to justice and legal assistance of their choice, in line with the Preamble and Principle 1 of the Basic Principles, Article 14 of the ICCPR, and Article 11 of the UDHR. Iran should implement recommendations 6.170, 6.177, 6.178, and 6.180 fully and without any delay.
 - c. Guarantee that lawyers may exercise their right to freedom of expression, belief, association and peaceful assembly as set out in Article 23 of the Basic Principles; Articles 18, 19 and 21 of the ICCPR; and Articles 19 and 20 of the UDHR. Iran should implement recommendations 6.157, 6.165, 6.167, 6.325, 6.623, and 6.629 fully and without any delay.

About Lawyers for Lawyers

Lawyers for Lawyers (L4L) is an independent, non-political and not-for-profit lawyers' organization established in 1986. Our mission is to promote the independent functioning of lawyers and the legal profession across the world in accordance with internationally recognized norms and standards, including the Basic Principles on the Role of Lawyers. Our work to support lawyers who are at risk as a result of discharging their professional duties, seeks to protect them from threats, risks and reprisals, strengthens their international recognition and protection in laws, policies and practices, and empower them to fulfil their role as essential agents of the administration of Justice. Lawyers for Lawyers was granted special consultative status with the UN Economic and Social Council in July 2013.