

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

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Friday, July 8, 2011

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Head of the Judiciary,
His Excellency Ayatollah Sadeq Larijani,
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The Honourable President Mahmoud Ahmadinejad, His Excellency Ayatollah Sayed Ali Khamenei, His Excellency Ayatollah Sadeq Larijani, Minister of Foreign Affairs

Re: Iran: Nine-Year Jail Sentence and Professional/Academic Bar to Lawyer Mohammad-Ali Dadkhah

Leader of the Islamic Republic,
His Excellency Ayatollah Sayed Ali Khamenei,
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Lawyers' Rights Watch Canada (LRWC)¹ and Lawyers for Lawyers (L4L)² are concerned to learn that one of the Iran's most respected lawyers, Mohammad Ali Dadkhah, has been sentenced to nine-years in prison, barred from practicing law for ten years, and barred from engaging in any academic activities. Additionally, he was ordered to pay the equivalent of US\$300 for having a satellite TV receiver in his apartment. The trial was held on May 27, 2011, related to a criminal case initiated in 2009.

We understand that Mr. Dadkhah was arrested two years ago, along with his daughters and three of his colleagues, for having protested against the alleged fraud in the 2009 presidential election which led to re-election of President Mahmoud Ahmadinejad.

Mr. Dadkhah is a prominent human rights lawyer in Iran and co-founder of the Defenders of Human Rights Center (Human Rights Center)³. He also has close relations to 2003 Nobel Peace Prize laureate Shirin Ebadi. Mr. Dadkhah has represented a number of dissidents and people from religious minorities in the last thirty years. He has also represented supporters of the opposition and people arrested in the aftermath of the presidential elections in 2009.

According to the Observatory⁴, Mr. Dadkhah was charged with alleged "actions and propaganda against the Islamic regime", pursuant to Article 698 of the Islamic Criminal Code, because of his activities as co-founder of and spokesperson, for the Human Rights Center and his professional work as a lawyer in a case against Isfahan's Metro for endangering national heritage monuments.

LRWC and L4L condemn the conviction and sentencing of Mr. Dadkhah which signal a threat to the freedom and safety in Iran, not only of people peacefully opposing government actions but also to their legal representatives.

LRWC and L4L note that the conviction and sentencing of Mr. Dadkhah appears to have been intended to punish his legal work as a human rights advocate for clients and on behalf of the Human Rights Center. On August 1, 2009, the Vice-Prosecutor of Tehran publicly accused Ms. Shirin Ebadi, also a founding member of the Human Rights Center, and the Center of establishing relations with foreign forces to organize a "velvet revolution" in Iran. Ms. Ebadi fled the country in 2009. Since then, a number of arrests and other punitive actions have been launched against other founding members of the Human Rights Center, including Mr. Abdolfattah Soltani and his wife, Mr. Mohammad Seifzadeh, and other human rights lawyers in Iran.

¹ *Lawyers Rights Watch Canada* is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC campaigns for advocates in danger because of their human rights advocacy, engages in research and education and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations

² *Lawyers for Lawyers* is an independent Dutch foundation operating on a worldwide scale. The foundation has a board of directors consisting of (former) lawyers, human rights specialists and a managing director.

³ The Defenders of Human Rights Center (DHRC) was formed in 2001 by five lawyers: Ms. Shirin Ebadi, Mr. Mohammad Ali Dadkhah, Mr. Mohammad Seifzadeh, Mr. Mohammad Sharif, and Mr. Abdolfatah Soltani. DHRC is focused on these activities: (1) provision of pro bono defense to those accused of political crimes or prisoners of conscience; (2) provision of support to the families of political prisoners and prisoners of conscience; (3) development and publication of yearly and quarterly reports on the situation of human rights in Iran; (4) dissemination of information and convening of press conferences with the aim of raising awareness on human rights issues, reducing human rights violations and promoting human rights; (5) development of human rights groups/institutions/organizations; and (6) facilitation of dialogue between various intellectuals and activists in the area of human rights and the provision of human rights education to those groups.

⁴ The Observatory for the Protection of Human Rights Defenders is a joint program of the International Federation for Human Rights (FIDH) and the World Organization against Torture (OMCT).

LRWC and L4L know of no legal justification for the conviction and sentencing. We are prevented from conducting an analysis of the court's decision as it has not been published.⁵ LRWC and L4L see the conviction and sentencing of Mr. Dadkhah as part of a systematic and officially organized campaign against human rights defenders. We are concerned that the conviction and sentencing signal a worsening of the already grim human rights situation in Iran⁶.

The arbitrary conviction of Mr. Dadkhah contravenes a number of provisions of the Declaration on Human Rights Defenders (DHRD)⁷, adopted on December 9, 1998 by the United Nations General Assembly, in particular:

1. Article 1 states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”;
2. Article 5.b: “everyone has the rights, individually and in association with others, at the national and international levels, (...) to form, join and participate in non-governmental organizations, associations or groups”;
3. Article 12.2: “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violation, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

As a member of the United Nations, Iran is bound by the “Basic Principles on the Role of Lawyers”, welcomed by the UN General Assembly in 1990 (Principles). Article 16 (a) of the Principles states that “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”.

LRWC and L4L refer you to Principle 16 (c) which states, “Governments shall ensure that lawyers [...] Shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.”

Other internationally protected rights violated indirectly by the Iranian government's treatment of Mr. Dadkhah include:

1. The right to practice one's profession recognized by Article 11 of the DHRD and guaranteed by the International Civil and Political Rights, Article 17; and
2. Freedom to engage in criticism of governing bodies recognized by the DHRD art. 8.2 & 9.3

⁵ The ruling of the Iranian courts are normally not published, unless it is referred to the Supreme Court. Extraordinary case; however, may be published by deleting the defendant's and plaintiff's names, before going to the Supreme Court.

⁶ The state of human rights in Iran has been highly criticized by Iranians, the United Nations, human rights activists around the world, NGO, the European Union, and the United States Congress. In November 2007, Canada could proceed with the draft resolution at the UN General Assembly's human rights committee by a vote of 72 to 50, with 55 abstentions. The resolution expressed its “very serious concern” of the “confirmed instances” of torture, stoning as a method of execution and punishment such as flogging and amputations: www.cbc.ca/news/world/story/2007/11/20/iran-canada.html?ref=rss. In 2009, Amnesty International reported that the human rights violation persists in 30 years after Islamic revolution: <http://www.amnesty.org/en/news-and-updates/feature-stories/human-rights-violations-persist-iran-30-years-islamic-revolution-20090209>.

⁷ Adopted by General Assembly Resolution [A/RES/53/144](http://www.unhcr.org/refugees/ref/53/144) March 23, 1999.

LRWC and L4L respectfully urge your government to:

- put an end to the illegal maltreatment – including at the judicial level – of Mr. Dadkhah and other members of the Human Rights Center;
- ensure the personal and professional safety of Mr. Dadkhah and other members of the Human Rights Center;
- ensure respect for internationally protected rights to: liberty, freedom of expression, freedom to engage in human rights advocacy and freedom to criticize government as guaranteed by the ICCPR and other laws binding on Iran;
- act in accordance with the provisions of the *Universal Declaration of Human Rights* and the international and regional pacts and covenants ratified by Iran; and ensure the implementation of the DHRD;
- ensure publication and distribution of the decision of the court regarding Mr. Dadkhah's case;
- ensure Mr. Dadkhah's right to appeal the decision before a competent tribunal independent of the Government of Iran;
- ensure that Mr. Dadkhah is released from prison.

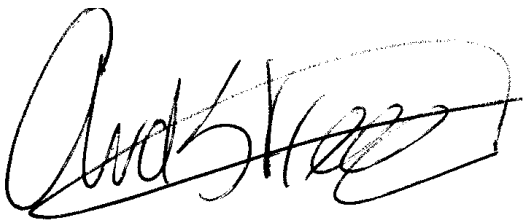
LRWC and L4L will continue to monitoring this situation.

LRWC and L4L await your response. Thank you for your attention to our concerns.

Sincerely,



Vicheka Lay,
Lawyers Rights Watch Canada



Adrie van de Streek,
Lawyers for Lawyers