



## Day of the Endangered Lawyer 24<sup>th</sup> January 2024 14<sup>th</sup> edition – IRAN

### **A. Introduction**

Since 2010, the International Day of the Endangered Lawyer has been observed on 24 January in cities, countries, and continents around the globe.

This date was chosen as the annual International Day of the Endangered Lawyer because, on 24 January 1977, four lawyers and one of their co-workers were murdered at their address at Calle Atocha 55 in Madrid, an event that came to be known as the Massacre of Atocha.

Each year, this day is organised by the Coalition for the Endangered Lawyer, a network of national and international legal organisations and bar associations.

The purpose of this International Day is to draw the attention of government officials, international institutions, civil society, the media and the general public to the plight faced by lawyers in a particular focus country in the exercise of their profession.

In 2024, the International Day of the Endangered Lawyer focusses on Iran.<sup>1</sup> As set forth below, the situation confronting Iranian lawyers today is extremely dire. This report first outlines the applicable legal framework, highlighting the United Nations Basic Principles on the Role of Lawyers. Next, the report describes the structural problems that are affecting the profession. It then illustrates the situation of lawyers and legal professionals through profiles of a number of individuals at risk. It also underscores the responsibility of other states with regards to the calls for help coming from the Iranian lawyers and human rights defenders. Finally, the report makes demands and recommendations to improve the situation of lawyers in Iran and elsewhere around the world.

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<sup>1</sup>In 2010, the focus country of the Day of the Endangered Lawyers was again Iran, and lawyers in many countries organised activities to draw attention to the situation of lawyers in Iran.



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## **B. Applicable legal framework**

International law expressly recognizes the unique role that lawyers play in any society. Given that lawyers serve as the guardians of justice for all, international law accords lawyers special protections.<sup>2</sup> For example, the United Nations Basic Principles on the Role of Lawyers (hereafter, U.N. Basic Principles) provide that “[l]awyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.”<sup>2</sup> In other words, clients’ positions and causes are not to be attributed to their counsel. The U.N. Basic Principles also provide that governments are to “ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.”<sup>4</sup> In addition, “[w]here the security of lawyers is threatened as a result of discharging their functions,” lawyers “shall be adequately safeguarded by the authorities.”<sup>3</sup> Further, the U.N. Basic Principles prohibit discrimination in lawyer licencing based on criteria such as

<sup>2</sup> See generally United Nations Basic Principles on the Role of Lawyers (7 Sept. 1990), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>; cf. United Nations Basic Principles on the Independence of the Judiciary (6 Sept. 1985), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>; United Nations Guidelines on the Role of Prosecutors (7 Sept. 1990), <https://www.ohchr.org/en/instrumentsmechanisms/instruments/guidelines-role-prosecutors>; United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (9 Dec. 1998) (“U.N. Declaration on Human Rights Defenders”), <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individualsgroups-and>.

In addition to the special rights and protections to which they are entitled, lawyers – like all people – are endowed with the rights set forth in the Universal Declaration of Human Rights. See Universal Declaration of Human Rights (10 Dec. 1948), <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>. Under the Universal Declaration, all people have the right to a “fair and public hearing” in both civil and criminal matters (Article 10), which presupposes access to a lawyer, an independent legal profession, and an independent judiciary. The Universal Declaration also recognizes the rights of all to “freedom of opinion and expression” (Article 19) and “freedom of assembly and association” (Article 20). In addition, the Universal Declaration sets forth “the right to work, [and] to free choice of employment” (Article 23(1)), as well as “the right to a standard of living adequate for the health and well-being of himself and of his family” (Article 25(1)). Further, the Universal Declaration establishes that “[e]veryone has the right to leave any country, including his own” (Article 13(2)). Lastly, with respect to the enumerated rights, the Universal Declaration expressly prohibits discrimination on the basis of, *inter alia*, “sex, . . . religion, political or other opinion, [and] national or social origin” (Article 2). The plight of Iranian lawyers implicates each of these fundamental rights, among others.

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<sup>2</sup>See U.N. Basic Principles on the Role of Lawyers, Principle 18. <sup>4</sup>

See U.N. Basic Principles on the Role of Lawyers, Principle 16.

<sup>3</sup>See U.N. Basic Principles on the Role of Lawyers, Principle 17.



sex, ethnic origin, religion and “political or other opinion.”<sup>4</sup> The U.N. Basic Principles provide that governments are to ensure that “access to lawyers [is] provided for all persons within their territory.”<sup>5</sup> The U.N. Basic Principles explicitly recognize the “vital role” that legal professional associations play, “protecting [their] members from persecution and improper restrictions and infringements.”<sup>6</sup> The U.N. Basic Principles also underscore lawyers’ rights of “freedom of expression, belief, association and assembly,”<sup>7</sup> and specifically state that bar associations must be permitted to “exercise [their] functions without external interference.”<sup>8</sup>

Like all lawyers everywhere, the lawyers of Iran are entitled to all of these rights and protections.

### **C. An overview of the development and situation of the legal profession in Iran**

The 1906 Constitutional Revolution is recognized as the date when the legal profession was formed as part of a modern judicial system in Iran. The 1911 Law of Judiciary Organisation established a secular judicial hierarchy. This law defined the judges' functions and differentiated them from prosecutors' functions. In addition, it introduced the First Charter of Attorneyship, mandating that lawyers pass a bar examination before entering legal practice.<sup>9</sup>

The first Bar Association was established in 1921, but it did not have financial or legal independence and was functioning under the Ministry of Justice. The Ministry of Justice was in charge of issuing, renewing, and revoking attorneys' licenses. The new judiciary, cautious of an organized body of attorneys, neither tolerated an independent bar association nor fostered the growth of the legal profession.<sup>10</sup>

In 1930, the association of lawyers was formed but it was still under the auspices of the Ministry of Justice. The Law of Attorneyship, adopted in 1937, granted legal personality to the Iranian Bar Association (IBA) for the first time. With this law, the IBA gained financial independence, but some

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<sup>4</sup>See U.N. Basic Principles on the Role of Lawyers, Principle 10.

<sup>5</sup>See U.N. Basic Principles on the Role of Lawyers, Principle 2.

<sup>6</sup>See U.N. Basic Principles on the Role of Lawyers, Preamble.

<sup>7</sup>See U.N. Basic Principles on the Role of Lawyers, Principle 23.

<sup>8</sup>See U.N. Basic Principles on the Role of Lawyers, Principle 24(1).

<sup>9</sup>[SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>10</sup>[SSRN-id3170599.pdf \(iclr.net\)](#)



organizational arrangements, such as the appointment of its Board of Directors, remained under the control of the Ministry of Justice.<sup>11</sup>

The IBA gained its full independence on 26 February 1953, when the “Bill of Independence of the Iranian Bar Association” was signed. According to this Bill, the IBA was accepted as an independent body with legal entity and was to be established in the jurisdiction of every Provincial Court. It consisted of a General Assembly, a Board of Directors elected by attorneys in elections, and an 'Attorneys' Disciplinary Prosecutor Office and Disciplinary Courts'.<sup>12</sup>

According to the aforementioned law:

- The IBA has the authority to elect its own independent board of directors
- The IBA is independent in managing its financial affairs
- The IBA's board of directors can grant licenses and disbar attorneys at law
- Only the Lawyers' Disciplinary Court is authorized to rule on allegations involving attorneys at law
- The IBA has the authority to hold bar examinations
- The IBA should introduce a list of pro bono attorneys at law to the judiciary
- The IBA should monitor the professional performance of its members.<sup>13</sup>

At this time, there were only three bar associations: the Central Bar Association in Tehran, the Azerbaijan Bar Association and the Fars Bar Association. These operated as independent professional bodies for the next 25 years, electing their own board members, granting and revoking licences, and processing complaints of lawyer misconduct without the interference of the judiciary until the 1979 Revolution.<sup>16</sup>

Together with the 1979 Revolution, the Islamization of laws and legal institutions began. The new constitution required that all laws shall be consistent with “Islamic criteria”. This development was followed by the dissolution of the judiciary. Its members were replaced by Islamic jurists and clerics.

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<sup>11</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>12</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>13</sup> [Practicing Law in Iran: Risks and Challenges - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)

<sup>16</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)



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In addition, all female judges were dismissed, many attorneys at law were disbarred, and the majority of the IBA Board of Directors were arrested and imprisoned.<sup>14</sup>

In June 1980, the Revolutionary Council passed a single-article law about revolutionary purges in the IBA. According to the “Law on Purges in the Iranian Bar Association,” the council, which was put in charge of the Ministry of Justice, was empowered to introduce five eligible attorneys at law to the Revolutionary Council. The five-member commission was to conduct purges at the IBA. Subsequently, the IBA Board’s elections were suspended.<sup>15</sup>

According to Article 7 of the Law Establishing Bar Association, the Lawyers’ Disciplinary Court had the sole authority to impose sanctions against lawyers, including disbarment. However, by 1983, the Revolutionary Courts had revoked the licenses of 141 attorneys at law.<sup>16</sup>

The IBA was reopened in 1984 by the Supreme Council of the Judiciary, which decided that an election of the Board should be held. In this regard, several attorneys at law were invited to a session of the Council on 7 May 1984. However, instead of planning the election, one of the attorneys at law, Goudarz Eftekhari Jahromi present at the session, who at the time was also a member of the Guardian Council, was appointed as the Supervisor of the Bar Association and the era of supervision of the judiciary over the Bar Associations in Iran began.<sup>17</sup>

Although the IBA was reopened, the appointment of a supervisor was a violation of the Law of Independence. According to Article 5 of the aforementioned law, the Chairperson of the Bar was supposed to be a member of the Board of Directors elected by the vote of other members, and meeting the conditions set out in the same law, such as having practised as an attorney at law for a minimum of ten years (Article 4). However, the supervisor actually appointed had received his license less than 5 years earlier and, therefore, did not fulfil the requirement.

Gholamhossein Mohseni-Eje’l was appointed as the supervisor of the IBA in 1984 but his role altered the fabric of the IBA in that it linked the leadership of that organisation directly to the Ministry of Intelligence. Although he had a background as an attorney at law, he was qualified from the Qom

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<sup>14</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>15</sup> [Practicing Law in Iran: Risks and Challenges - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)

<sup>16</sup> *ibid*

<sup>17</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)





Seminary, which remains the prominent center for Islamic religious education in Iran. He was a cleric and immediately prior to his appointment to the IBA he had served as Head of the Ministry of Intelligence's Select Committee from 1984 to 1985. He predominantly studied Islamic jurisprudence (fiqh) and Islamic Sharia legal principles within the context of Islamic theology. This was historically not an unusual route to becoming an attorney at law, but it was a route that was increasingly being overtaken by a more traditional university education process and the appointment of Gholamhossein Mohseni-Ej'li heralded a clear divergence from the increasingly progressive IBA, back to application of strict Sharia law. His appointment as such sent a clear message to the IBA membership of the new directional role that they would be expected to play following the 1979 Islamic Revolution.

Gholamhossein Mohseni-Eje'l also acted as Representative of the Head of the Judiciary to the Ministry of Intelligence between 1986 and 1988 (a role that he would return to again in 1991 to 1994) and in 1989 he served as Head of the Prosecutor's Office for economic affairs. He then went on to become prosecutor of the Special Clerical Court between 1995 to 1997 and subsequently Minister of Intelligence from August 2005.

As his career matured, he was associated with violations of prisoner rights, outright support for the process of extracting confessions under torture and alleged links to the 'Chain Murders of Iran' rings, which was a complex politically motivated sequence of murders of outspoken opponents of the then Government.

During the period after the Revolution, fundamental rights of accused persons (such as the right to counsel) were denied and attorneys at law experienced difficulty in exercising their professional duties. For example, some court branches, particularly the Revolutionary Courts, used to put a sign at their doors that read: "We do not accept attorneys at law". On other occasions, the courts refused to grant attorneys at law access to their clients or the case files.<sup>18</sup>

The Revolutionary Courts of Iran were primarily divided into two segments; those that imposed and oversaw 'Islamic values' in society and those that handled matters of 'political or national security' status. The 'Islamic Values' courts are colloquially referred to as such. They primarily deal with offences such as inappropriate dress-code for women, minor alcohol offences, most drugs offences,

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<sup>18</sup> *ibid*



and offences that involve 'un-Islamic sexual conduct' such as adultery or homosexuality. They have extensive and almost unlimited powers, including the power to impose death penalty. It is common for attorneys at law to be admitted to these courts, although the defendant must always be present. An attorney at law will not normally be permitted to access a file, if the defendant has absconded or is 'at large'.

The second tier of Islamic Revolutionary Courts, those dealing with the 'political or national security' issues practice in a wholly different legal environment. Typically, they would not permit attorneys at law to represent defendants, often hearings were held in-camera and even without the presence of the defendant. The evidence filed against a defendant was for the most part 'sealed' and inaccessible even to the defendant in some cases and decisions were made ad-hoc and dependant on the political sensitivity of the matter, death sentences were carried out virtually immediately. These courts gradually adopted measures designed to give an aura of openness and in more recent years a list of 'Approved Defence Attorneys at Law' has been decreed whereby a defendant is allocated a defence attorney at law from the list. Trials are still often held in-camera with no advance notice and the evidence against a defendant may never be made public. These courts also handle those cases of 'Moharreb' which are defined as 'enemies of Allah'. The offence of 'Moharreb' covers a wide category of offences which can extend from 'encouraging un-Islamic behaviour' (a charge often levied against bloggers, social media individuals etc.) through to offences of alleged spying or acting as an 'enemy combatant'.

As a general rule a defendant in the second tier Islamic Revolutionary Courts can expect to be denied their choice of attorney at law, often denied any defence attorneys at law at all and will commonly be convicted on confessions obtained through duress and torture. This denial of a right to a defence attorney at law contravenes Article 35 of the Iranian Constitution which guarantees the right to an attorney at law, and Article 128 of the Criminal Code or Procedure, which provides for a right to an attorney at law during the investigation phase. However; Article 128 has exceptions and one of these permits judges to disallow defence attorneys at law for 'purposes of confidentiality, prevention of corruption and for national security crimes. This Article is commonly cited in the Revolutionary Courts. It also permits a judge to refuse an attorney at law on the grounds that the attorney at law 'is not



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properly qualified'. Evidence suggests that mere membership of a licenced Bar Association is in itself insufficient to 'properly qualify' an attorney at law to appear in these Revolutionary Courts. In 1990, a new Bill was submitted to Parliament, stating that the parties to a lawsuit had the right to appoint 'an attorney at law', and all courts were obliged to receive them.<sup>19</sup> The Bill was passed by Parliament, but the Guardian Council did not confirm it. Therefore, the Bill was sent to the Regime's Expediency Council to resolve the conflict. On 3 October 1991, the Expediency Council passed the Law of "Appointment of Attorney by Parties to a Lawsuit".<sup>20</sup> A compromise was reached by deleting the term 'at law' after the word 'attorney'. By changing 'attorney at law' (vakīl-e dādgūstārī) into 'attorney' (vakīl), Parliament established that legal representation did not need to be conducted by a qualified attorney at law, who had passed the bar. In effect, anyone could represent a client in court.<sup>21</sup> Following this, it has become possible for a defendant to appoint any adult as their attorney. Some defendants, particularly those with limited financial means, will appoint members of their own family, often a father or father-figure as their attorney in such instances.

In the meantime, the IBA had scheduled its election for 9 October 1991. However, one day before the announced election, a new law was adopted: the Law of Correction of the Bar Associations, which stopped the election. According to Article 1 of this law, "[i]n order to correct the Bar Associations, the Commission of Rebuilding the Bar Associations, consisting of six attorneys and three judges by appointment of the Head of the Judiciary, shall be formed for a period of one year to implement this Law...". The law also gave significant rights to this Commission. According to Article 5, the main function of the Commission was to expel the attorneys who according to the Commission had relationships with the Pahlavi Regime or were members of parties or groups declared illegal. Note 2 of Article 5 also stipulated that "[u]ntil the period of this Law is finished, the Bar Association's Board of Directors shall be stopped and will be held thereafter."<sup>22</sup>

In 1997, another law was adopted: the Law on Conditions for Obtaining the Attorney's Licence.

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<sup>19</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>20</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)

<sup>21</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>22</sup> [Iranian Bar Associations: Struggle for Independence - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)





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The new Law on Conditions requires that election candidates be confirmed by the Supreme Disciplinary Court for Judges following enquiries with the Ministry of Intelligence, the Revolutionary Courts, the police and other relevant judicial and law enforcement bodies as to whether a candidate meets several enumerated criteria. Among these criteria is the belief and commitment 'to the Rules & Foundations of the holy Islam'; to the regime as a whole and to the primacy of religious jurists, as well as to the constitution. The primacy of religious jurists being the criteria upon which the Shia governance of Iran has been based since 1979. The Rules are applied strictly and virtually any form of activity can render a candidate as 'unworthy'. This can even apply where the candidate is related to or associated to a person who has been deemed to be 'unworthy', often applied to candidates who are related to anti-Government activists.

Together with this law, the election rights for the bar association were accepted once again, but a series of strict conditions were also introduced. Firstly, the Disciplinary Court for Judges was announced as the authority with the sole right to confirm the competence of the candidates for the Bar Association's Board of Directors.<sup>23</sup> Additionally, a list of conditions was announced in Articles 2 and 4 of this law. Some of these conditions were general, such as a minimum age or duration of professional work. However, some directly related to the political or religious background of the candidates.

The outcome of this law could be observed in the following years. Even though the right to hold elections was reintroduced, the Supreme Disciplinary Court of Judges' power, namely, the right to confirm the candidates, became a means of shaping the Board of Directors of the Bar Association. In the meantime, a new body of attorneys at law was established by the state, and many claimed that the aim was to neutralize the IBA. This new body of attorneys at law established in 2001 was 'authorised to present cases in court' under Article 187 of the Law of Third Economic, Social and Cultural Development Plan of 2000. This group is officially known as the 'Legal Advisors of the Judiciary'. The Center for Legal Advisors and Experts of the Judiciary trains and examines its own members and issues and renews their licences to practise.

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<sup>23</sup> *ibid*



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Attorneys at law who are members of the IBA and those who are part of the Legal Advisors of the Judiciary are obliged to fulfil different criteria regarding their training and examinations. Legal advisors must pass one qualifying examination and complete a six-month pupillage, whereas IBA attorneys at law must pass several examinations and complete an 18-month traineeship under the supervision of an attorney at law with more than 10 years' experience. Unlike the IBA's independent procedure for renewing licences, legal advisors' permits are renewed with the approval of the judiciary, undermining their independence.<sup>24</sup>

'The Draft Bill of Formal Attorneyship' was approved in 2012, which increased government supervision over the Iranian Bar Association. This Bill replaced the title 'Bar Association' with 'Organisation of Attorneys'. At the time, some human rights lawyers protested the Bill and claimed it demonstrated 'the determination of the authorities to downgrade the position of the bar from an independent body to a subordinate governmental organisation'. The Bill also prescribed a 'Supervisory Commission', created by the Head of the Judiciary, to administer 'confirmation of the elections, suspension and revocation of the licences of all attorneys, including even the directors of the bar, appointment of the members of the Examining Committees, among other tasks (Arts. 25-30)'. The Bill sought to increase governmental control over the IBA by allowing the judiciary to decide 'who can become an attorney at law, how they should be disciplined and whether or not they should be able to continue their practices'. This Bill was suspended before the 2013 presidential elections, but 'several amended versions of the draft bill were submitted to Parliament in September 2014', reasserting the Islamic Republic's commitment to curtail the IBA's independence.<sup>25</sup>

After long political disputes, a revised version of this Bill was submitted to Parliament in 2015. The Legal and Judicial Commission of Parliament considered and rejected the Bill in July 2017 since it found no reason for amending the existing law. Thus, the status quo with the existing restrictions on the IBA's independence was restored.<sup>26</sup> Incursions into the independence of the legal profession and the judiciary in Iran have continued. In June 2023, the Iranian Parliament voted to initiate an investigation against the Iranian Bar Association.

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<sup>24</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>25</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)

<sup>26</sup> [SSRN-id3170599.pdf \(iclr.net\)](#)



The discussion as to whether Parliament has the right to initiate such an investigation is still ongoing. According to the Iranian Parliament's internal regulations, the legislative branch can only investigate government bodies or organizations that receive funding from the national budget. The IBA is a financially independent body that does not receive public funding.<sup>27</sup> The details of this investigation and the related issues are summarized below.

#### **D. Current challenges faced by lawyers in Iran**

The above summary of the development of the legal profession and professional legal organisations in Iran illuminates the ongoing problems. As can be seen, from the early 1900s onwards, the legal profession came close to gaining independence from time to time, but was always kept under control at one level or another by different political powers. In this section, with occasional references to the previous chapter, the current problems faced by lawyers in Iran will be enumerated.

#### **1- Obstacles to the independence of the legal profession**

##### **1.1- Control over appointments to the Councils of Bar Associations**

As explained in the section above, one of the most important obstacles to the independence of the legal profession is the "the Law on Conditions for Obtaining the Attorney's Licence" enacted on 6 April 1997. According to this law, the Supreme Disciplinary Court of Judges is designated as the supervisory authority for scrutinizing, investigating and verifying the competency of the lawyers who intend to stand as a candidate for the Bar Council elections in Iran.

According to Article 4, the candidates for the Councils of Bar Associations are subjected to background checks by the Intelligence Ministry and the Islamic Revolutionary Guard Corps (IRGC). All candidates for Council of Bar Associations need to be approved by the judiciary and Intelligence Ministry of Iran. If any activities against the regime are detected, their applications will be rejected by the judiciary. Therefore, all lawyers who have been involved in any kind of human rights activity or in defending political dissidents cannot be elected to the Council of Bar Associations.

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<sup>27</sup> [Iran: State's "Investigation" of Bar Association Aims to Crush Dissent – Center for Human Rights in Iran \(iranhumanrights.org\)](http://iranhumanrights.org)



Principle 24 of the U.N. Basic Principles states that:

24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

However, the Law on Conditions for Obtaining the Attorney's Licence does not allow members of the bar association to elect their Board of Directors freely. The number of rejected candidates in 2020 demonstrates that this interference has continued. Attorney at Law, Majid Pourostad, a member of Iran Central Bar Association published an open letter in 2020 stating that:

“(R)elying upon the Practice Law, SJDT [*Supreme Judicial Disciplinary Tribunal*] disqualified 29 out of 150 candidates from running in the Iran Central Bar's Council election, without rendering a reasoned and justified decision. The Practice Law does not provide a mechanism through which the so-called disqualified candidates are heard and can challenge SJDT's decision.

More significantly, SJDT allows itself considerable latitude, even beyond the letter and spirit of the Practice Law, to add or remove further candidates even shortly before the election day. Strictly speaking, having delivered its first letter dated January 25th, 2020 disqualifying 29 candidates, SJDT in another letter dated January 27th, disqualified further 6 candidates including the President and the Past President of ICBA, - without any justification or reasoned decision - against the spirit of the Practice Law and international standards of legal profession.”<sup>28</sup>

### **1.2- Restrictive procedures prevent the issuance of lawyers' licences** According to

Principle 10 of the U.N. Basic Principles:

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<sup>28</sup> (10) [My Open Letter to International Bar Association \(IBA\) on Iran Central Bar Council's Election on February 27th, 2020 | LinkedIn](#)



10. Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement, that a lawyer must be a national of the country concerned, shall not be considered discriminatory.

However, in Iran, a "security investigation" or "archive background check" is applied to all attorneys at law who have passed the bar exam and are seeking to obtain an attorney at law's licence. According to Article 2 of the Law on Conditions for Obtaining the Attorney's Licence, all candidates who have passed the bar exam shall send their application file to the bar association. The bar association will then send this file to the Ministry of Intelligence of Iran for a background check. If a candidate has allegedly engaged in any act against the regime, including criticizing the government or the Supreme Leader, their application will be rejected.

Article 2 also calls for "actual belief and commitment to Islamic laws and principles", "belief and loyalty to the State of the Islamic Republic and the Office of the Supreme Leader", "not having a record of membership and activism with outlawed groups opposed to the Islamic Republic" and "no connections to the Pahlavi regime."<sup>29</sup>

These conditions are contrary to Principle 10 of the U.N. Basic Principles. The criteria established for candidates to obtain an attorney at law's licence also violates many fundamental rights, such as freedom of thought and expression, freedom of religion and conscience.

### **1.3- Restriction of the independence of lawyers and right to consult a lawyer**

The new Code of Criminal Procedure (CCP) went into effect in June 2015. Article 48 of the CCP severely impacts the independence of the legal profession and the right of Iranian citizens to have access to an attorney at law.

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<sup>29</sup> [New Directive Allows Iranian Judiciary to Control Lawyers Through Disciplinary Body – Center for Human Rights in Iran \(iranhumanrights.org\)](http://iranhumanrights.org)





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The Constitution of Iran sets no limits or conditions on the right to legal counsel. Article 35 of the Constitution states that: “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”.

Principle 1 of the U.N Basic Principles stipulates that “[a]ll persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.”

The right of anyone arrested, detained or imprisoned to have time to consult with their lawyer is also enshrined in principle 8 of the U.N. Basic Principles which states that:

“All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality [...]”

Similarly, Article 14/1 of the ICCPR also provides that anyone charged with a criminal offence must have “adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.”<sup>30</sup>

Further, the importance of lawyer-client confidentiality, mentioned in Principle 8, is also reflected in Principle 22 of the U.N. Basic Principles, which provides that “[g]overnments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.”

According to Article 48 of the CCP, people have the right to ask for and have a meeting with a lawyer as soon as they are detained.<sup>31</sup> However, “Note to Article 48” regulates the exceptions:

“In cases of crimes against internal or external security, and in cases involving organized crime, where article 302 of this code is applicable, 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.”

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<sup>30</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

<sup>31</sup> [Iranian Lawyers: Judiciary’s Mandatory List of Approved Counsel Sets “Dangerous Precedent” – Center for Human Rights in Iran \(iranhumanrights.org\)](#)



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The crimes mentioned in Article 302 are (a) crimes punishable by death, (b) crimes punishable by life in prison, (c) crimes punishable by amputation or intentional crimes against bodily integrity of others punishable by one-half or more of a full person's *diya* (*Diya refers to compensatory payment due to an individual who has suffered bodily harm under Islamic law.*) (d) *tazir* crimes punishable by ten years' imprisonment or more (*Tazir crimes, as opposed to hodud crimes, are crimes for which there is no explicitly stated punishment under Islamic law.*) and (e) political and media crimes.<sup>35</sup>

Thus, in practice Article 48 restricts the right to have an attorney at law of one's choice, as well as adequate time to consult with their attorneys at law, for those facing some of the most serious punishments. In practice, it also interferes with the established principle of lawyer-client confidentiality.

In a joint statement published by several international organizations,<sup>36</sup> Article 48 of Iran's Code of Criminal Procedure was identified as undermining the independence of the legal profession and as an indicator of clear discrimination.

"In this note [to Article 48 of the CCP], lawyers are divided into two categories: lawyers who are trusted by the head of the judiciary and those who are not. The criteria on the basis of which trusted lawyers are appointed are set by the head of the judiciary. It is noteworthy that Article 48 of the Code of Criminal Procedure stipulates that: "When a suspect is arrested, he or she can request the presence of an attorney. The attorney, observing the secret nature of the investigation and the negotiations between the parties, should meet with the suspect. At the end of the meeting, which should not last more than one hour, the attorney may submit his or her written notes to be included in the case file."

<sup>35</sup> [Practicing Law in Iran: Risks and Challenges - Iran Human Rights Documentation Center \(iranhrdc.org\)](#)

<sup>36</sup> [joint-statement-from-lawyers-abroad-on-lawyers-in-iran.pdf \(eldh.eu\)](#). Here is the list of the signatories: 1- International Bar Association's Human Rights Institute 2. German Bar Association 3. German Federal Bar 4. Center for Supporters of Human Rights 5. European Association of Lawyers for Democracy and Human Rights 6. Association of Lawyers for Freedom (Özgürlük için Hukukçular Derneği) 7. Defence Commission of the Barcelona Bar Association 8. European Democratic Lawyers 9. Association of Berlin Defence Lawyers (Vereinigung Berliner Strafverteidiger) 10. Republican Lawyers Association (Republikanischer Anwältinnen- und Anwälteverein) 11. Montpellier Bar association 12. Human Rights Institution of Montpellier 13. Progressive Lawyers' Association (Çağdaş Hukukçular Derneği) 14. Hanseatic Bar Hamburg, Germany (Hanseatische Rechtsanwaltskammer Hamburg)



However, the Revolutionary Courts, where “security-related” cases such as those involving human rights, political, and civil activists, are much less transparent than Public Courts. The judges at the Revolutionary Courts are known to abuse their legal powers. They deny access to legal representation during the investigation phase and prevent lawyers from accessing client files on the basis of confidentiality or that lawyers have insufficient “qualifications” to review certain files.”<sup>32</sup>

In an interview with the Center for Human Rights in Iran (CHRI),<sup>33</sup> Lawyer Saeid Dehghan pointed out the following issues:

“Over the years there have been many directives and decrees issued by the judiciary against lawyers’ autonomy, (...) but the most important assault came with the inclusion of a note to Article 48 of the Criminal Procedures Regulations, limiting suspects accused of national security and political crimes access only to lawyers approved by the judiciary in the initial stages of investigation.”

“After a mass protest in 2017, I had succeeded in gaining the acquittal of close to 40 protesters. But by the time the November 2019 protests took place, the note had been added [to Article 48 of the Criminal Procedures Regulations] and there was a list of lawyers approved by the judiciary that did not include the names of some of my colleagues and myself and as a result I was only able to defend the rights of no more than four or five clients”<sup>34</sup>

#### **1.4- Supervision and regulation of lawyers by the judiciary**

Article 187 of the Law of Third Economic, Social and Cultural Development Plan established the Legal Advisors of Judiciary as a new body of lawyers in 2001, likewise impacting the independence of the legal profession. The Center for Legal Advisors and Experts of the Judiciary trains and examines its own members and issues and renews their licences to practise. However, the training process and the criteria applied are completely different to the criteria applied to the members of the IBA (see above).

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<sup>32</sup> ibid

<sup>33</sup> [New Directive Allows Iranian Judiciary to Control Lawyers Through Disciplinary Body – Center for Human Rights in Iran \(iranhumanrights.org\)](http://iranhumanrights.org)

<sup>34</sup> ibid



Since the legal advisors are directly supervised by the judiciary and decisions as to the renewal or revocation of their annual permits is made by the judiciary, it is unlikely that they will act against the judiciary's orders.<sup>35</sup>

### 1.5- A lack of judicial independence

According to Article 156 of the Iranian Constitution, the judiciary shall be an independent institution. However, the Supreme Leader is accepted as the highest State authority and is institutionally superior to all the other governing branches. Article 110/6-2 of the Constitution mandates that the Supreme Leader has the power to appoint and supervise the Head of the Judiciary.<sup>36</sup>

The appointment process of judges is highly problematic, as the selection of judges is based on the *gozinesh* (selection) process and involves background investigations into the candidates' beliefs, political positions, etc. According to Article 1 of the 1982 Law on the Qualifications for the Appointment of Judges and Article 2/5 of the 1995 *Gozinesh* Law, Iranian judges shall demonstrate a commitment to Islamic principles and the Islamic Republic of Iran's regime, and they should never have been a member of politically opposed groups.<sup>37</sup>

The Article 14/1 of the International Covenant on Civil and Political Rights (ICCPR) states:

"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, **independent and impartial** tribunal established by law."<sup>38</sup>

(Emphasis added) Article 2/1 of the ICCPR states:

"Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, **without distinction of any kind, such as race, colour, sex, language,**

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<sup>35</sup> [brief-impartiality-and-fairness-in-iran.pdf \(essex.ac.uk\)](#)

<sup>36</sup> [brief-impartiality-and-fairness-in-iran.pdf \(essex.ac.uk\)](#)

<sup>37</sup> *Ibid*

<sup>38</sup> [International Covenant on Civil and Political Rights | OHCHR](#)



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religion, political or other opinion, national or social origin, property, birth or other status.”<sup>39</sup> (Emphasis added)

The control of the Supreme Leader over the judiciary and the appointment process for judges both contravene the above articles of the ICCPR, as well as impacting lawyers’ professional activities. The process of ‘Gozinesh’ is also often applied to individual lawyers applying to join one of the Bar Associations in Iran.

## **2- Being an Independent Lawyer in Iran: Harassment, intimidation, arrest and beyond**

The international legal community regularly issues statements and interventions concerning the situation of lawyers in Iran, where the price of being an independent lawyer and fulfilling one’s professional responsibilities can be very high.

On 16 September 2022, Mahsa Amini, a female student, died in custody after being detained by Iran’s morality police. During and following the protests related to Mahsa Amini’s death, the Iranian police and security services arrested hundreds of human rights defenders, students, women’s rights activists, lawyers, and journalists, and summoned and interrogated dozens of actors, athletes, and other public figures in connection to their expressed support of the demands of the protestors.

The following articles of the Iranian Penal Code (IPC) are often used by the authorities against lawyers: Article 500 (Propaganda against the Regime), Article 498 (Acting against the National Security), Article 698 (Agitation of Public Opinion by Spreading False Information against the Regime), and Article 638 (Encouraging Corruption and Prostitution). However, when the individual examples below are analysed, it can be seen that many other articles in the Penal Code are also used against lawyers. It was also observed that, in many cases, the principle of legality is ignored, and lawyers face criminal proceedings for acts that are not defined in the Iranian Penal Code (see Nasrin Sotoudeh’s case below). Human rights defenders and lawyers in Iran have faced challenges in almost every period. However, as many civil society organisations and the media have reported, the pressure on human rights defenders and lawyers has intensified since the protests concerning the death of Mahsa Amini in 2022.

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<sup>39</sup> *ibid*





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The deaths of almost 500 people had been confirmed by the end of 2022, and an estimated 14,000 people had been arrested, including protesters, journalists, lawyers, activists, artists, and athletes.<sup>40</sup> According to the Freedom House 2022 Country Report,<sup>41</sup> more than 40 of the detainees were sentenced to death, and many were reportedly denied access to legal counsel of their choice and were forced to accept state-appointed lawyers who took little action to defend them. Their trials were extremely brief and relied on confessions obtained under duress. At least two of the convicted defendants were known to have been executed by the end of 2022. The number of executed death sentences is rising dramatically. According to the Hengaw Organization for Human Rights, at least 61 prisoners were executed in Iranian prisons in July 2023.<sup>42</sup> On 21 June 2023, the U.N. Deputy High Commissioner for Human Rights, Nada al Nashif, presented the U.N. report on rights in Iran to the Human Rights Council<sup>43</sup>. According to the report:

Scores of human rights defenders remain imprisoned while authorities continue to harass, arrest, and prosecute those seeking accountability and justice. Hundreds of human rights defenders were arrested, summoned, and interrogated in relation to the protests. According to information received, there was an upward trend of targeting of human rights defenders, with at least 218 arrested or convicted between 16 September 2022 and 30 November 2022 related to the protests, double the number for 2021. Lawyers representing protesters and human rights defenders have been targeted at an unprecedented rate. From 16 September 2022 to 10 January 2023, a total of 44 lawyers were arrested for their work; 27 of those have reportedly been released while the rest remain in detention.<sup>44</sup>

It is not possible to assess the total number of imprisoned lawyers in Iran due to a lack of transparency. The frequent violations of the right of access to information, as well as the systematic attacks on bar associations, which hinder them from fulfilling their duty of protecting lawyers, prevent us from knowing exactly how many of our colleagues in Iran are in prison.

Nevertheless, the information below illustrates the grave situation faced by lawyers in Iran.

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<sup>40</sup> [Iran: Freedom in the World 2023 Country Report | Freedom House](#)

<sup>41</sup> [ibid](#)

<sup>42</sup> [At least 61 prisoners executed in Iranian prisons in July 2023 \(hengaw.net\)](#)

<sup>43</sup> [U.N. Report: Human Rights in Iran | The Iran Primer \(usip.org\)](#)

<sup>44</sup> [A/HRC/XX/XX \(ohchr.org\)](#), parag. 51



### 2.1- Investigation against the Iranian Bar Association (IBA)

According to the Center for Human Rights in Iran a motion labelled *“The Request to Investigate the Operations of Bar Associations and their Union”* gained approval within Iran's legislative body, endorsed by 158 affirmative ballots, with 20 opposing votes, and 3 abstentions on 27 June 2023. As an effect of that motion, the chief of the judicial branch, Gholam-Hossein Mohseni Ejei, alongside governmental security entities, such as the Ministry of Intelligence and the intelligence faction of the Islamic Revolutionary Guard Corps, are mandated to thoroughly scrutinize the legal guilds dispersed across the nation, along with their central alliance seated in Tehran. Additionally, the state security apparatus will be tasked with "evaluating the juridical credentials" of lawyers affiliated with the Bar. This will enable them to selectively designate which legal practitioners are entitled to practice within the country.<sup>45</sup>

As per the contents of *“The Request to Investigate the Operations of Bar Associations and their Union”*, members of the parliamentary body and state security units will pursue ten specific avenues during their investigation. This endeavour encompasses an assessment of the methods through which the Bar determines its membership, admits legal apprentices, conducts entry evaluations, and administers the assessment of trainees. It also entails the compilation of rosters containing the names of bar members, ostensibly for the purpose of evaluating the legal proficiency of the attorneys. The appraisal extends to an analysis of the guild's financial allocation, the revenue streams of the regional branches of the bar, and the central alliance, as well as the utilization of these fiscal resources. Lastly, the scrutiny encompasses the method of conducting elections for the board of directors of the Bar and the overarching alliance. These measures are strategically devised to divest the bar of its autonomy by facilitating state intervention in its internal affairs.<sup>46</sup>

### 2.2- Cases against attorneys at law

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<sup>45</sup> [Iran: State's "Investigation" of Bar Association Aims to Crush Dissent – Center for Human Rights in Iran \(iranhumanrights.org\)](https://iranhumanrights.org/).

<sup>46</sup> [Iran: State's "Investigation" of Bar Association Aims to Crush Dissent – Center for Human Rights in Iran \(iranhumanrights.org\)](https://iranhumanrights.org/), see also: [EN\\_HRL\\_20230707\\_Iran\\_Independence-of-the-Iranian-Bar-Associationthreatened.pdf \(ccbe.eu\)](https://www.ccbe.eu/en/hrl/20230707-iran-independence-of-the-iranian-bar-association-threatened.pdf).



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We list here the information we have obtained about the legal harassment and criminal prosecutions faced attorneys at law who continue their professional activities in Iran. Since the systematic repression of lawyers in Iran has been going on for years, we needed to limit the report with the most recent cases. Although the list below is quite long, it is necessary to emphasize that the list does not contain all endangered attorneys at law.

- **Ali Sharifzadeh Ardakani<sup>47</sup>**

On 8 January 2023, Ali Sharifzadeh Ardakani was summoned to a court in Karaj after a complaint by the prosecutor, charged with “propaganda against the regime” and then released on a 100 million toman bail the same day. It has been reported that Mr Ardakani had been charged after he had publicly stated that his client Seyyed Mohammad Hosseini had been severely tortured by security forces until he confessed to his alleged involvement in the killing of a Basij member and that his subsequent hanging had been unjust. Subsequently, a judge issued a judicial supervision order prohibiting him from engaging in any activities on social media for one year.

- **Amir-Afshar Najafi<sup>48</sup>**

In January 2023, Amir-Afshar Najafi was sentenced to 17 months imprisonment: one year for “propaganda against the regime” and five months for “spreading falsehood to disturb public opinion”. He has also received a ban on leaving the country and a ban on practising law for two years, and had his electronic devices confiscated. He has been released on bail.

- **Amirsalar Davoudi<sup>54</sup>**

Amirsalar Davoudi is a human rights defender and a member of the Human Rights Commission of the Iranian Bar Association. In his work as a human rights lawyer, Amirsalar Davoudi has represented many detained human rights defenders and political prisoners. He is also the founder and director of a Telegram Channel, "Without Retouching," featuring a variety of critical content about the authorities' treatment of attorneys at law and the human rights situation in Iran.

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<sup>47</sup> [Iranian Lawyer Charged After Reporting Client Was Tortured \(rferl.org\)](#), [Abdorrahman Boroumand Center \(iranrights.org\)](#)

<sup>48</sup> [Lawyer Amir-Afshar Najafi Sentenced to Imprisonment and Social Deprivations - Hrana \(en-hrana.org\)](#) <sup>54</sup> [Amirsalar Davoudi | Front Line Defenders](#), see also: [EN HRL 20190903 Iran Sentencing-of-lawyerAmirsalar-Davoudi.pdf \(ccbe.eu\)](#).



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He was arrested on 20 November 2018 by security agents in his law office and, on 28 May 2019, he learned that Branch 15 of the Revolutionary Court in Tehran had sentenced him to a total of 30 years' imprisonment and 111 lashes, on six charges, including "insulting the Supreme Leader", "spreading propaganda against the system" and "forming a group with the purpose of disrupting national security" in relation to his human rights work.

He was being held in Evin Prison but was transferred to Rajae Shahr Prison on 13 April 2021 without notice. He spent three days in solitary confinement following his transfer. On 13 June 2021, he was released on bail of 20 billion Iranian rial (IRR). His temporary release was followed by the decision of Branch 41 of the Supreme Court to accept his request for retrial, due to irregularities in the legal process of his original trial. Consequently, Branch 28 of Tehran's Revolutionary Court was assigned for his retrial.

He was sentenced to fourteen years in prison by Branch 36 of the Tehran Court of Appeals on 1 December 2021. This includes two years in prison for "insulting the supreme leader", two years for "agitating the public or officials' consciousness", and ten years for "forming a group to act against national security". On 26 June 2022, he was once again transferred to prison, and remains in prison.

He has been awarded the Council of Bars and Law Societies of Europe's (CCBE) 2019 Human Rights Award, along with other Iranian attorneys at law, Nasrin Sotoudeh, Mohammad Najafi and Abdolfattah Soltani<sup>49</sup>, and the Ludovic Trarieux International Human Rights Prize 2022.

He was released on extremely high bail for a week and returned to jail on 16 December 2023. He is still in prison.

- **Amir Mehdipour<sup>50</sup>**

On 19 October 2022, Amir Mehdipour was arrested by security forces in Tabriz and transferred to an unidentified location. He has since been released on bail. Amir Mehdipour was sentenced to four months imprisonment on conviction of "propaganda against the regime". He also received a two-year ban on leaving the country and had his electronic devices confiscated. In addition, reports indicate

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<sup>49</sup> CCBE Human Rights Award 2019, Iran: endangered lawyers

<sup>50</sup> [Iran: Rights lawyer Amir Mehdipour sentenced to one year in jail and disbarred | IAPL Monitoring Committee on Attacks on Lawyers \(wordpress.com\)](#)



that he had his license to practise law revoked. After a while his case was pardoned and currently he lives in abroad.

- **Arash Keykhosravi**<sup>51</sup>

Arash Keykhosravi is a human rights defender and attorney at law, who has represented many human rights defenders, including environmental rights defenders. In August 2018, he was sentenced to a sixyear prison term, which was subsequently overturned by Branch 34 of the Court of Appeals in January 2020.

On 14 August 2021, Iranian authorities arbitrarily arrested a group of seven human rights defenders, including five attorneys at law, one of whom was Keykhosravi, 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 a perceived mismanagement of the Covid-19 crisis.

On 25 December 2021, Keykhosravi was released on eight billion IRR bail after spending more than four months in Evin Prison, in Tehran. On 16 August 2022, Branch 36 of the Tehran Court of Appeals confirmed the initial verdict issued by Branch 29 of the Tehran Revolutionary Court with respect to, what has come to be known as, the case of the Right-to-Health defenders. The Court of Appeals confirmed the initial verdict without holding a new court session.

Arash Keykhosravi was sentenced to two years in prison on conviction of "assembly and collusion against national security". He was arrested on 19 November 2022 in Tehran and then transferred to an unidentified location. Security forces searched his house and confiscated some of his belongings. He has been released on bail.

On 10 January 2023, the Supreme Court issued an order for retrial of the sentence against Arash Keykhosravi. Additionally, a bail order was issued for the new charges of "propaganda against state" and "assembly and collusion against national security" with regards to his involvement in the Mahsa Amini protests.

On 6 March 2023, he was released from Kachueie prison. This release occurred after Branch 21 of the Court of Appeals suspended the two-year prison sentence and other complementary punishments issued by Branch 29 of the Tehran Revolutionary Court in August 2022.

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<sup>51</sup> [Arash Keykhosravi released from prison | Front Line Defenders](#)





On 23 September 2023, Arash was arrested again and it is reported that he is currently in Evin prison serving a 2-year prison sentence.

- **Asghar Mohammadi**<sup>52</sup>

After the four-day workers' strike at the Sungun Varzaghan copper mine, security forces arrested at least 60 workers and several environmentalists. This was the fifth strike of workers at Sungun Mine in two years. Asghar Mohammadi represented the workers. On 18 March 2023, he was sentenced to 20 lashes for “agitating the public or officials’ consciousness” (Art. 698 and 746 IPC).

Recently, a new case was filed against him on the charge of publishing the investigations of the judicial authorities. He has been sentenced by the 101st Criminal Branch of Varazghan to pay a fine. Also, he has been summoned and threatened several times by the security forces, and he has been asked not to accept human rights cases. He has also been threatened by the security agencies to revoke his license.

- **Babak Barghi**<sup>53</sup>

Babak Barghi was charged with “disturbing public order” for allegedly participating in protests in November 2019. He was convicted and he went to Evin Prison on August 2, 2022, to begin his eightmonth prison sentence. His sentence also includes 40 lashes.

- **Behzad Hakimizadeh**<sup>54</sup>

On 9 January 2023, Behzad Hakimizadeh was arrested at his home in Saqqez by order of Branch Two of the Saqqez Prosecutor’s Office and transferred to the detention center of the Intelligence Department in Sanandaj. During the arrest, his mobile phone and laptop were confiscated. Reports indicate that he was arrested for allegedly being associated with criminal gangs. Reports also indicate that intelligence officers have tried to obtain a forced confession from him, including by threatening family members. On 12 February 2023, he was reportedly released on a 500 million toman bail.

- **Fariba Tavakoli**<sup>55</sup>

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<sup>52</sup> [Asghar Mohammadi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://www.united4iran.org/)

<sup>53</sup> [List of Attorneys Imprisoned in Iran for Defending Human Rights \(Updated\) - Center for Human Rights in Iran \(iranhumanrights.org\)](https://iranhumanrights.org/)

<sup>54</sup> [Lawyer Behzad Hakimizadeh Arrested - Hrana \(en-hrana.org\)](https://en-hrana.org/)

<sup>55</sup> [Report Highlights 129 Instances of Security and Judicial Encounters with Attorneys in the Last Ten Months - Hrana \(en-hrana.org\)](https://en-hrana.org/)



Fariba Tavakoli was summoned by the Tehran Prosecutor's Office (Security) and charged with "propaganda against the regime". She was in prison in January and February 2023. She has since reportedly been released with a guarantor.

- **Farzaneh Zilabi**<sup>56</sup>

Farzaneh Zilabi is a human rights lawyer who has represented the Syndicate of Workers of Haft Tappeh Cane Sugar Company (SWHTCSC), the prosecuted members of the Iranian Teachers' Trade Associations (ITTA), and the pensioners' fund victims in Shush, Khuzestan, in southern Iran. She has also represented many individual labour rights defenders and members of workers' unions, and has been outspoken about instances of torture reported by her clients.

In early February 2023, Farzaneh Zilabi was summoned by Branch 13 of the Ahvaz Revolutionary Court. On 21 May 2023, she was sentenced to one year and six months in prison on the charge of "propaganda against the state" and "insulting the supreme leader." This is not the first time that Zilabi has been faced criminal charges. In September 2021, she was sentenced by Branch 2 of the Ahvaz Revolutionary Court to one year in prison and a two-year travel ban on the charge of "propaganda activities against the state." On 16 May 2021, she had been summoned by Ahvaz Central and the Revolutionary courts on charges of "propaganda activities against the state" and "gathering and collusion to act against national security," of which she was subsequently acquitted. In the second week of December, a hearing on her charges was held in Branch 4 of Ahvaz Revolutionary Court, but no verdict has been issued yet (dating 18.12.2023).

- **Fereshteh Tabanian**<sup>57</sup>

On 20 February 2023, Fereshteh Tabanian was sentenced to three months imprisonment on conviction of "propaganda against the regime" by Branch One of the Mahshahr Revolutionary Court.

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<sup>56</sup> [Woman human rights defender Farzaneh Zilabi sentenced to additional one year and six months in prison | Front Line Defenders](#)

<sup>57</sup> [Iran: Two more rights lawyers convicted, sentenced and prevented from leaving the country | IAPL Monitoring Committee on Attacks on Lawyers \(wordpress.com\)](#), [Report Highlights 129 Instances of Security and Judicial Encounters with Attorneys in the Last Ten Months - Hrana \(en-hrana.org\)](#)



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She has also received a ban on leaving the country and had her electronic devices confiscated. She has been released on bail.

- **Golaleh Vatandoost**<sup>58</sup>

Golaleh Vatandoost, a member of the Kurdistan Bar, was arrested on 4 October 2022. She is in detention in Semnan Prison.

She was temporarily released on 19 October 2022 on bail of 10 billion IRR. On 13 September 2023, she was summoned to appear before the first branch of the Sanandaj Islamic Revolutionary Court on charges of "propaganda against the State in cyberspace", "forming, managing or belonging to a group or organisation with the intention of disrupting national security" and "belonging to anti-State groups"<sup>59</sup>.

- **Hasan Younesi**<sup>60</sup>

Hasan Younesi is an attorney, civil rights activist, and son of Ali Younesi, the Minister of Intelligence of President Khatami during the reform period. He was one of the attorneys who followed up on cases of executions, including the execution of Navid Afkari, a 27-year-old wrestler, in September 2020. He was first arrested following the 2009 protests, allegedly for agitating behaviour and calling for protests.

On 7 November, Hassan Younesi was arrested by the Islamic Revolutionary Guard Corps Intelligence Organisation at Mehrabad Airport in Tehran while traveling to Sistan and Balochistan province to follow up on the cases of arrested protesters. Hassan Younesi was allegedly arrested for having spoken out in defence of people in Sistan and Baluchestan who were killed by security forces. He was released on bail from Evin Prison on 7 December 2022.

- **Hassan Asadi Zeidabadi**<sup>61</sup>

Hassan Asadi Zeidabadi, an attorney, was arrested and sentenced to prison during the Green Movement. He was first arrested on 3 November 2009, and charged with "propaganda against the

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<sup>58</sup> <https://lawyersforlawyers.org/en/joint-statement-on-the-arrest-detention-and-ill-treatment-of-lawyers-in-iran/>

<sup>59</sup> Iran 2022-2023, La fatalité d'une persécution sans fin?, L'Observatoire, Institut des Droits de l'Homme des Avocats Européens, 2023, 16

<sup>60</sup> Hasan Younesi - Human Rights Activism — Iran Prison Atlas ([united4iran.org](https://united4iran.org))

<sup>61</sup> Hassan Asadi Zeidabadi - Political Activism — Iran Prison Atlas ([united4iran.org](https://united4iran.org))



state” (Art 500 IPC), “disrupting public order” (Art. 618 IPC), “insulting state employees” (Art. 609 IPC), and “founding or leading an organization that aims to disrupt national security” (Art. 498 IPC). He was sentenced to 5 years in prison and a fine of 1 million IRR. In 2014, he was one of the awardees of the Hellman-Hammett Award. He was released from Evin Prison on 4 July 2015 two weeks after the end of his sentence.

On 16 November 2022 he was arrested at his house in Tehran by members of the Islamic Revolutionary Guard Corps Intelligence Organisation. He was released on bail on 20 December 2022.

- **Hoda Amid and Najmeh Vahedi**<sup>62</sup>

Hoda Amid is an attorney at law and defender of women’s rights, who has also played a prominent role in educating Iranian women on their marital and familial legal rights.

On 1 September 2018, she was arrested at her house by security forces, due to educational workshops she had organised since 2015. These related to teaching women about their ‘terms of marriage’ and ‘dowry and housework’ rights to women. She spent more than two months in Evin Prison before being released on bail. In October 2020, she and another human rights defender sociologist Najmeh Vahedi, were charged with and found guilty of “collaborating with the hostile American government against the Islamic Republic of Iran on women and family issues” and “working in line with the project of infiltration by weakening the foundation of the family with the aim of overthrowing [the government]”. On 31 October 2020, Branch 15 of the Revolutionary Court of Tehran sentenced Hoda Amid, and Najmeh Vahedi, to eight years in prison, a two-year travel ban, a two-year membership ban on participating in political parties and groups, and activities in cyberspace, media and press, and a twoyear ban on practicing law. On 2 February 2021, Branch 36 of the Tehran Court of Appeals upheld this verdict.

- **Hossein Bayat**<sup>69</sup>

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<sup>62</sup> [Women human rights rights defenders Hoda Amid convicted and Najmeh Vahedi | Front Line Defenders](#)

<sup>69</sup> [List of Attorneys Imprisoned in Iran for Defending Human Rights \(Updated\) - Center for Human Rights in Iran \(iranhumanrights.org\)](#)



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Hossein Bayat, former deputy secretary of the Iranian Association of Constitutional Law, was charged with “disturbing public opinion” and he was convicted. He went to Evin Prison in August 2022 to start his 58-month sentence. He has also been ordered to serve as a city garbage collector for three months.

- **Hossein Rezaei**<sup>63</sup>

On 18 October 2022, Hossein Rezaei was arrested together with his client Niloufar Fathi, a human rights defender, after security forces raided his offices. Their mobile phones were confiscated and both were transferred to an undisclosed location. Hossein has since been released on bail.

- **Jalal Fatemi**<sup>64</sup>

On 10 July 2023, Jalal Fatemi, a member of Iran’s Central Bar Association, was sentenced to one year in prison by Chamber 29 of the Tehran Revolutionary Court on the charge of “propaganda against the regime on the Internet”. Fatemi was acquitted on the charge of “blasphemy.”

On 18 July 2023, he began serving the prison sentence without formal notification.<sup>65</sup>

- **Khosrow Alikordi**<sup>66</sup>

On 1 August 2023, Khosrow Alikordi was arrested in Mashhad, Khorasan Razavi province, shortly after responding to a summons. He has been charged with “publishing falsehoods and case contents”. He was transferred to Vakilabad Prison and then released on the 5 August.<sup>67</sup>

Alikordi has been representing the family of Abolfazl Abinehzadeh, a minor, who was allegedly killed by regime forces during the 2022 nationwide protests. He was also previously indicted for “propaganda in favor of anti-regime groups” and was released on a 150-million-toman bail<sup>68</sup> in early July 2023.

The first branch of the Revolutionary Court of Mashhad recently sentenced him to one year imprisonment, two years of exile, a two year long ban on leaving the country, a two year long ban on cyberspace. There is a high probability that this sentence will be approved by the appeals branch.

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<sup>63</sup> [iran-statement-22112022.pdf \(wordpress.com\)](#)

<sup>64</sup> [Iranian Lawyer Jalal Fatemi Sentenced to One Year in Prison for Online Activism | IAPL Monitoring Committee on Attacks on Lawyers \(wordpress.com\)](#)

<sup>65</sup> Iran 2022-2023, La fatalité d’une persécution sans fin?, L’Observatoire, Institut des Droits de l’Homme des Avocats Européens, 2023, 13

<sup>66</sup> [Khosrow Alikurdi, Attorney, Arrested and Jailed in Vakilabad Prison - Hrana \(en-hrana.org\)](#)

<sup>67</sup> <https://twitter.com/Khosrowalikord2/status/1687810437205635073?s=20>

<sup>68</sup> The official currency in Iran is the Iranian Rial however, “toman” is used in every day life. A Toman is ten times a Rial.





- **Maryam Arvin**<sup>69</sup>

On 27 November 2022, Maryam Arvin was arrested in Sirjan and was reportedly being held at Korhan Prison in Sirjan. She was allegedly arrested after a verbal conflict with a judge of the Revolutionary Court in a case where she was representing an arrested protestor. Reports indicate that security forces beat and dragged her during the arrest. On 12 December 2022, she was released on bail. On 8 February 2023, the Kerman Province Bar Association announced her death. Official reports state that the cause of death was suicide.

- **Maryam Sadrnia**<sup>70</sup>

On 8 December 2022, Maryam Sadrnia was arrested by the Islamic Revolutionary Guard Corps in her home in Tehran and then transferred to Evin Prison. On 26 December 2022, she was reportedly released on bail.

- **Marzieh Mohebi**<sup>71</sup>

Marzieh Mohebi, an attorney at law with over three decades of legal practice, is an advocate for women's rights and founder of Sora Women Lawyers Association, aiding incarcerated women and victims of violence.

In July 2023, a court in Mashhad ruled against her, allowing her property to be confiscated and her citizenship rights to be violated.

Amid mounting pressure and a legal case against her in the Revolutionary Court, she left Iran to ensure her safety. The Mashhad court's decision allows property seizure, invoking a historical Islamic concept of trust, which has been extended to opponents and critics. In an interview Mohebi explains the concept of trust, which she states represents an agreement between the Islamic ruler and nonbelievers to live within the boundaries of the Islamic government, much like asylum. Therefore, if a non-believer violates the terms of the agreement, the right to safety is lost and their property is confiscated. Confiscating her property based on Article 49 of the Constitution is unprecedented for an attorney at law, and critics argue that this violates Sharia principles and suppresses dissent.

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<sup>69</sup> [Maryam Arvin - OIAD \(protect-lawyers.org\)](#), [Maryam Arvin, a humanitarian lawyer died for her people \(ncr-iran.org\)](#)

<sup>70</sup> [Iran Protests: At Least 44 Defense Attorneys Arrested Since September - Center for Human Rights in Iran \(iranhumanrights.org\)](#)

<sup>71</sup> [Iran's Judiciary Uses Legal Tricks to Prosecute Human Rights Lawyer \(iranwire.com\)](#)



Mohebi has faced political charges in the revolutionary court, such as “connections with hostile organizations abroad”, “leadership of protests”, and “collaboration with the People’s Mujahideen Organization (MEK)”. She considers these allegations baseless and repressive.

- **Marzieh Nikara and Mohammad Seifzadeh<sup>72</sup>**

Mohammad Seifzadeh (75 years old), one of the founding members of the Defenders of Human Rights Center (DHRC), and Marzieh Nikara, who is also a prominent attorney at law and human rights activist, have been sentenced to one year of imprisonment by Branch 29 of the Revolutionary Court in Tehran on charges of “anti-regime propaganda activities” and “dissemination of falsehoods”. It is reported that the case initiated against them originated from a letter drafted by a group of human rights defenders and attorneys at law, including Marzieh Nikara, and Mohammad Seifzadeh, to the UN Secretary-General, addressing the suppression and intimidation of citizens during the nationwide protests in 2022-2023.<sup>73</sup>

The verdict was finalized and communicated to Seifzadeh by the Evin Execution Branch and he presented himself at Evin Prison on 29 July 2023 to carry out the sentence.

- **Mohammad Ali Dadkhah<sup>74</sup>**

An attorney at law and human rights activist Mohammad Ali Dadkhah has defended a number of political prisoners in Iran and is a founding member of the Defenders of Human Rights Center (DHRC). He was arrested and sent to prison on 20 July 2022 to serve the eight-year sentence he received in 2011 for allegedly attempting to overthrow the ruling system in place. The charges against him are directly related to his peaceful and legitimate work in defence of human rights. Currently, he is in Evin Prison.

- **Mohammad Ali Kamfirouzi<sup>75</sup> :**

Mohammad Ali Kamfirouzi is a former student activist, a member of the Iran Bar Association and defense attorney to several political prisoners. On 14 December 2022, Mohammad Ali Kamfirouzi was arrested in Tehran. Mr Kamfirouzi’s family reported that he was arrested while carrying out his work

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<sup>72</sup><https://ir.voanews.com/a/mohammad-seifzadeh-to-be-prisoned-for-one-year/7194309.html>

<sup>73</sup> [Iran Human Rights | Article: Letter from 45 Iranian activists to the UN Secretary-General: Your Reaction Can Stop the Execution Machine | \(iranhr.net\)](#)

<sup>74</sup> [EN HRL 20220729 Iran Arrest-of-lawyer-Mohammad-Ali-Dadkhah.pdf \(ccbe.eu\)](#)

<sup>75</sup> [Mohammad Ali Kamfirouzi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](#)



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at the Justice Office in Tehran. His house was subsequently searched by security forces. He is the attorney at law of several prominent activists and journalists, including Niloufar Hamed and Elaleh Mohammadi, the two female journalists arrested for their coverage of the death of Mahsa Amini in police custody. Mr Kamifrouzi's attorney at law, Mohammad Ali Bagherpour, reported that his client had not received a summons, was unaware of the charges against him and had been detained without any legal formalities. He was released on bail from Great Tehran Penitentiary (Fashafouyeh) after three weeks of detention and his bail conditions prevent him from practicing as an attorney at law at the moment.

- **Mohammad Hadi Erfanian-Kaseb<sup>76</sup>**

Mr. Erfanian's law office was inspected by 15 agents of the Revolutionary Guards Corps (IRGC) on 4 February 2020. Also his personal belongings including his computer and smartphone were confiscated upon arrest. In addition, the IRGC forces searched his home on the same day.

It was previously reported that on 26 May 2020, the civil rights attorney at law, Mr. Erfanian Kaseb was arrested after appearing before the Branch 2 of the Evin Prosecutor's Office, and then he was transferred to Ward 2A of Evin Prison, the IRGC Intelligence Detention Centre. He was indicted during the investigation session in the presence of his attorneys. Two days later, he was released on bail.

On 16 May 2021, the 29th branch of the revolutionary court of Tehran sentenced Mohammad Hadi Erfanian Kaseb to three months and five days in prison for propaganda against the state. His interview about the murder of his client Alireza Shirmohammad Ali, a political prisoner who was stabbed to death in 2019 in the Greater Tehran Central Penitentiary, was the basis for this charge.

On 27 February 2022, his sentence to three months and five days in prison was confirmed by the 36th branch of the appeal court of Tehran verbatim. He was summoned to Evin Court's sentence enforcement office to serve his sentence. Mohammad Hadi Erfanian went to an unspecified prison on 29 August 2022, to start a 95-day sentence for 'propaganda against the state'. He was released after serving his sentence.

- **Mohammad Najafi<sup>77</sup>**

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<sup>76</sup> [Mohammad Hadi Erfanian Kaseb - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://www.united4iran.org/)

<sup>77</sup> [EN HRL 20230328 Iran Continued-detention-of-lawyer-Mohammad-Najafi.pdf \(ccbe.eu\)](https://www.ccbe.eu/)



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Mohammad Najafi has faced repeated arrests, harsh sentences, and ill-treatment, including physical harm, while defending human rights and democracy in Iran. In 2018, he was arrested for challenging the official claim of his client's death and charged with multiple offenses, including "organising with the intention to disturb national security", "propaganda against the state", and "insulting the supreme leader." Despite being released on bail, Mohammad Najafi was once again arrested several months later and sentenced to an additional 14 years of prison for "disturbing public opinion". In December 2019, he was sentenced to three years of prison for "agitating public consciousness."

Since 30 January 2023 Mohammad Najafi has been on a hunger strike, which he began to protest his unfair trial. He was temporarily released on 28 March 2023 and was again imprisoned in Arak prison at the end of April 2023. He was later transferred to Evin prison.

In April 2023, he was sentenced to three years and had to pay a fine for a legal case opened against him while he was in prison. Najafi stated that he was sentenced to two years in prison and a 15-million toman fine by Branch 106 of the Arak Criminal Court for "spreading falsehood" and to one year in prison by Branch 2 of the Revolutionary Court for "propaganda against the regime". Najafi clarified that he did not attend court and did not object to the verdict nor submit a plea of no contest for any part of the case. He stated that the reason for this case was due to a voice recording he sent from prison declaring his support for the nationwide protests, which led to charges against his sister and brother as well.

Najafi has faced several other cases against him on prior occasions, including accusations of "propaganda against the regime", "insulting the Supreme Leader", "collaborating with hostile foreign countries" by giving interviews with the Voice of America and Persian BBC.<sup>78</sup> He is being disciplined by the Iranian Bar Association under trumped up charges of breaching the terms of his attorney licence and on 27 September 2023 he was disbarred – he refused to attend that hearing citing 'the state's disregard for justice' as his reason.

Mohammad Najafi, together with attorneys at law Nasrin Sotoudeh, Abdolfattah Soltani and Amirsalar Davoudi, received the CCBE 2019 Human Rights Award.

**Mohammad-Reza Faghihi<sup>79</sup>**

<sup>78</sup> [Lawyer Mohammad Najafi Sentenced to Three Years and Paying a Fine - Hrana \(en-hrana.org\)](https://en-hrana.org)

<sup>79</sup> [Mohammad Reza Faghihi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://united4iran.org)



# KEEP YOUR HANDS OFF THE LAWYERS

Mohammad-Reza Faghihi, a member of the Iran Bar Association, was arrested on 12 October 2022 as a part of the nationwide demonstrations. He was later released on bail. During his time in detention, his right to an attorney at law was denied.

Previously, on 14 August 2021, he was arrested together with other human rights lawyers and charged with “assembling and colluding to act against national security” (Art. 610 IPC). He was convicted to 6 months in prison. At the time of his arrest, he and over 250 other attorneys at law had gathered outside the Tehran Bar Association headquarters and were peacefully demonstrating in favour of prisoner rights and rights of detainees when Basij forces attacked the gathering using tear gas and arrested a number of participants including Faghihi.

He was one of the attorneys at law - known as health advocates - who sued the leader of Iran for the delay in importing the COVID-19 vaccine to Iran. He and his colleagues have taken on the cases of many political activists in the Azerbaijan region, and, in one case, they were arrested for representing the case of Abbas Lesani, a human rights activist from Ardabil.

- **Mohsen Borhani**<sup>80</sup>

Multiple Iranian security and intelligence institutions have filed a joint case against Mohsen Borhani, a prominent attorney at law and a former faculty member of Tehran University. The case was initiated by the Judicial Information Protection Center, the Islamic Revolutionary Guard Corps (IRGC) Intelligence Organization, the Police Information Protection and a member of the Guardian Council. Borhani had harshly criticized the government's brutal crackdown on protesters, as well as the judicial system and the death penalty. As a result of this, he was fired from his position at the university in January 2023.

- **Mustafa Nili**<sup>81</sup>

Mustafa Nili is a human rights defender and an attorney at law, who has represented many political prisoners, including student union activists. He was arrested in December 2009 as a result of taking part in peaceful protests against the results of the 2009 presidential elections in Iran. In November 2010, Branch 15 of the Revolutionary Court convicted him to three years on the charge of “gathering and collusion to act against national security” and an additional six months in prison on the charge of

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<sup>80</sup> [Case Filed against Lawyer Who Denounced Clampdown on Dissent \(iranwire.com\)](#)

<sup>81</sup> [Bail order of 6 billion IRR was issued for a new case opened against Mustafa Nili | Front Line Defenders](#)





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“propaganda against state”, due to him taking part in the protests and publishing critical content against the violent crackdowns on the protests. Branch 54 of the Court of Appeals confirmed the prison sentences in April 2011, and he then served his sentence from 18 July 2011 to 18 November 2014.

On 17 June 2021, Mustafa Nili was stopped, physically assaulted, detained for a few hours and had his devices confiscated temporarily by intelligence agents in Shazand, Markazi province, in central Iran. The group of human rights defenders were denied entrance to Arak city, having sought to visit the family of a human rights defender detained in Arak prison.

In August 2021, he was arbitrarily arrested together with Arash Keykhosravi and Mehdi Mahmoudian. On 18 December 2021, he was released on an 8 billion IRR bail after spending more than 4 months in detention in Evin Prison.

On 11 December 2022, a bail order of 6 billion IRR was issued for a new case opened against Mustafa Nili following his arrest in November 2022. The first court session was adjourned on 9 January 2023 at Branch 28 of Tehran Revolutionary Court when Nili refused to be present in protest against the violation of due process of detainees from the nationwide protests. The new charges against Nili are yet to be known. As of April 2023, Mustafa Nili has been released from custody and he has personally taken up the cause of a number of prominent detainees including the singer Mehdi Yarrahi and a 75 year old journalist Keyvan Samimi.

- **Nasrin Sotoudeh**<sup>82</sup>

Nasrin Sotoudeh has been a vocal critic of Iran’s judicial process, treatment of women and death penalty. As an attorney at law, she has represented Nobel Prize winner Shirin Ebadi, among many others. She was part of the Iranian Women’s Coalition, which demanded gender equality in law before the 2009 presidential election. She represented the families of protestors killed during the protests that followed the 2009 presidential election. She was arrested after a raid on her home in September 2010, and accused of “propaganda against the system” and “acting against national security”. She was sentenced to 11 years in prison in January 2011 that was later reduced to 6 years. She was granted

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<sup>82</sup> See: [Profile: Human Rights Lawyer Nasrin Sotoudeh | The Iran Primer \(usip.org\)](#), [Nasrin Sotoudeh | Front Line Defenders](#); see also, [Report of the UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, States in denial: the long-term detention of human rights defendersn Trends and patterns in the use of long-term detention against human rights defenders, present](#)



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early release in September 2013. After her release, she co-founded the Campaign for Step by Step Abolition of the Death Penalty (LEGAM).

On 13 June 2018, she was arrested once again. According to her husband, she was not informed of the charges but was told that she had been sentenced to five years in prison. Her attorney at law later announced that she had been charged with “espionage in hiding” in absentia in 2015. The subsequent charges against her included membership in the Defenders of Human Rights Center, the LEGAM group and the National Peace Council, and encouraging people to corruption and prostitution. She refused to appear at her trial in December 2018 to protest the state’s refusal to let her use her own attorney. On 11 March 2019, she was convicted of seven offences and sentenced to 148 lashes and 33 years in prison in addition to the earlier five-year prison sentence.

She has received many awards, including the European Parliament’s Sahkarov Prize for Freedom of Thought (2012), the Ludovic Trarieux International Human Rights Prize 2018<sup>83</sup>, the CCBE 2019 Human Rights Award, along with other Iranian attorneys at law, and the American Bar Association’s Center for Human Rights annual Eleanor Roosevelt Prize for Global Human Rights Advancement (2020). During the COVID-19 pandemic, on 11 August 2020, she began a hunger strike with the demand of freedom for all political prisoners.

On 17 August 2020 her house was raided again, and her 20-year-old daughter was arrested on charges of insult and assault. Her daughter was later released on bail for \$23,729 USD.

On 7 November 2020, she was temporarily released due to health issues. However, on 2 December 2020, she was transferred to Gharchak Prison again. She was released again on medical furlough in July 2021. On 14 February 2023, her husband Reza Khandan was summoned to appear in court within 30 days to begin serving a six-year sentence (five years mandatory) originally handed down in 2019 just days after Nasrin Soutoudeh gave an exclusive interview to CNN's Christiane Amanpour, in which she said Iranian protesters wanted a regime change.

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<sup>83</sup> [Thirty-three years after Nelson Mandela, the 23<sup>rd</sup> International Human Rights Prize Ludovic Trarieux 2018 awarded to Iranian woman lawyer](#)



This summons to serve this sentence is regarded as a blatant attempt by the Iranian authorities to silence Nasrin Sotoudeh, as well as her husband.<sup>84</sup>

On 29 October 2023, Nasrin was violently re-arrested while attending the funeral of Armita Garavand, a 16-year-old girl who had died after being in a coma for 28 days following a violent incident with the Morality Police in the Tehran Metro. Nasrin has been transferred to Qarchak prison. Reports indicate that she was severely beaten during and after her arrest as well as having been subjected to humiliating treatment. She was on a hunger and medicine strike and her condition described as poorly. Her arrestment was protested by international legal communities.<sup>85</sup> She was released on 15 November 2023; however her trial is still going on.

- **Negin Kiani**<sup>86</sup>

Negin Kiani was sentenced to one year imprisonment on conviction of “propaganda against the regime”, received a ban on leaving the country and had her electronic devices confiscated. In addition, reports indicate that she has been banned from practising law. On 13 November 2022, she was released on a 500 million toman bail after being detained for 23 days. Some reports indicate that on appeal her sentence was changed from one year imprisonment to a 10 million toman fine.

- **Reza Hamzei**<sup>8788</sup>

In the first half of December 2022, Reza Hamzei was sentenced to one year in prison on conviction of “propaganda against the regime” and banned from practising law for two years by the Qazvin Revolutionary Court.

- **Roza Etemad Ansari**<sup>95</sup>

Roza Etemad Ansari is a prominent attorney at law and member of the Ispahan Bar Association, who is representing rapper Tohomaj Salehi, who is still at risk of execution. She was arrested on 8 October 2022 by the Islamic Republic's Ministry of Intelligence for providing legal assistance to the protesters.<sup>89</sup> She has subsequently been released and is no longer in detention.

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<sup>84</sup> [Urgent request for intervention in favour of Mr. Reza Khandan, 02 March 2023](#)

<sup>85</sup> [Urgent request for intervention in favour of Mrs Nasrin Sotoudeh – ELDH](#)

<sup>86</sup> [Lawyer Negin Kiani Sentenced to One Year in Prison - Hrana \(en-hrana.org\)](#)

<sup>87</sup> [Lawyer Reza Hamzei Sentenced to One Year in Prison - Hrana \(en-hrana.org\)](#)

<sup>88</sup> [October | 2022 | IAPL Monitoring Committee on Attacks on Lawyers \(wordpress.com\)](#)

<sup>89</sup> Iran 2022-2023, La fatalite d'une perse cution sans fin?, L'Observatoire, Institut des Droits de l'Homme des Avocats Europeens, 2023, 16



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- **Saeed Sheikh**<sup>90</sup>

On 12 October, state security forces attacked a peaceful demonstration by attorneys at law expressing solidarity with nationwide protests outside the Iranian Bar Association in Argentina Square in Tehran. Several rounds of tear gas were fired. During that incident, two white vans without license plates arrested approximately two dozen persons and took them to an undisclosed location. Among those detained are three attorneys at law who were violently arrested and taken away in separate vehicles: Mohammad Reza Faqih, Saeed Sheikh, and an unidentified female attorney at law. In the second half of December 2022, Saeed Sheikh was sentenced to two years in prison on conviction of “assembly and collusion against national security” and one year on conviction of “propaganda against the regime” by the Tehran Revolutionary Court. According to Article 134 of the Islamic Penal Code, in cases of multiple crimes of different types, a punishment will be issued for all of them, but only the most severe punishment will be enforced: two years in prison. Sheikh reported that he is also barred from leaving the country. He has been released on bail.

- **Saleh Nikbakht**<sup>91</sup>

Saleh Nikbakht, the attorney at law representing the family of Mahsa Amini, is facing charges of “propaganda against the Islamic Republic system” for speaking out against the opinion of the Forensic Medicine Commission on Amini’s death in an interview with foreign media and the Etemad Newspaper. He had objected the Forensic Medicine Commission’s opinion that Amini’s death was caused by a heart attack due to an underlying disease, and he called for a re-examination. His objection was considered as propaganda against the state. Branch 2 of the Public and Revolutionary Prosecutor’s Office in Tehran arraigned him on 11 March 2023 on the charge of propaganda against the state, and he was later released on bail. His first hearing was scheduled for 1 August 2023 in Branch 28 of the Islamic Revolutionary Court of Tehran but it was postponed due to administrative issues.

**Sara Hamzehzadeh**<sup>92</sup>

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<sup>90</sup> <https://lawyersforlawyers.org/en/joint-statement-on-the-arrest-detention-and-ill-treatment-of-lawyers-in-iran/>

<sup>91</sup> [Trial of lawyer representing family of Jina Mahsa Amini postponed \(kurdistanhumanrights.org\)](#)

<sup>92</sup> [Report Highlights 129 Instances of Security and Judicial Encounters with Attorneys in the Last Ten Months - Hrana \(en-hrana.org\)](#)



On 24 May 2023, Sara Hamzehzadeh was arrested in her office in Shahrood and charged with “propaganda against the regime”. During the arrest, security forces seized her two mobile phones. She has reportedly since been released on bail after Branch 5 of the Public Prosecutor’s Office of the Shahrood Revolutionary Court set bail at 80 million tomans.

- **Sina Yousefi**<sup>93</sup>

Sina Yousefi was arrested in Tabriz on 14 October 2022 and transferred to the temporary ward of Tabriz Prison. He was allegedly detained for disclosing the real number of protestors arrested in Tabriz, which had reached around 1,700, and sought to create a committee to defend their rights at the Human Rights Commission of East Azerbaijan's Bar Association. Sina Yousefi was the vice president of the Human Rights Commission at the time. On 27 October 2022, he was released on bail. He was charged with “propaganda against the regime” and sentenced to six months in prison and a two-year ban on leaving the country. He also had his electronic devices confiscated. He was also charged with encouraging immorality (Art. 639 IPC) and sentenced to 9 months and fine of 150,000,000 IRR. During the judicial process, his right to access an attorney at law was violated on several occasions. He has been released on bail. In February 2023, he posted a tweet<sup>94</sup> and announced that he was summoned to the 112<sup>th</sup> Branch of the Criminal Court of Tabriz on the charge of disseminating lies online. He said that the charge was on account of his activities in the Human Rights Commission of the Bar Association. A new case has been filed against him in the Isfahan Prosecutor's Office, on account of him informing of the illegal behavior of the judge in the case related to "Isfahan House". In a new report, the Judicial Information Protection has asked the East Azerbaijan Bar Association to revoke Sina Yousefi's attorney's license.

The Case of the Bukan Attorneys<sup>95</sup> :

In July 2023, fifty-five attorneys of Bukan’s judiciary, in north-west Iran, have been summoned to Branch Two of the city’s Public and Revolutionary Prosecutor’s Office due to signing a statement<sup>96</sup> in mid-September 2022, in support of the family of Mahsa Amini, following a complaint from Ali Zahed,

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<sup>93</sup> [Sina Yousefi - Human Rights Activism — Iran Prison Atlas \(united4iran.org\)](https://www.united4iran.org/)

<sup>94</sup> <https://twitter.com/SinaYousefilaw/status/1626181590316380161?s=20>

<sup>95</sup> [Bukan attorneys summoned over Jina Mahsa Amini statement \(kurdistanhumanrights.org\)](https://www.kurdistanhumanrights.org/)

<sup>96</sup> [Lawyers in Bukan declare readiness to represent Mahsa Amini’s case \(kurdistanhumanrights.org\)](https://www.kurdistanhumanrights.org/)





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the prosecutor of Bukan. In the statement, the attorneys announced their readiness to take on Mahsa Amini's case and provide legal representation for the family and expressed their condolences for the family. It was reported by The Kurdistan Human Rights Network that the prosecutor of Bukan put pressure on the attorneys that signed to retract their statement. After their refusal, the prosecutor filed a complaint against the attorneys, and an investigation was opened against them. The attorneys were ordered to appear at Branch Two of the Public and Revolutionary Prosecutor's Office in Bukan within five days, according to a summons sent to them on 11 July 2023. The prosecutor of Bukan has accused the attorneys of "publishing contents that violate public morality".

- **The Case of Mahsa Gholamalizadeh, Saeid Jalilian, Milad Panahipour, and Babak Paknia**<sup>97</sup> Milad Panahipour and Saeed Jalilian, who represent political rights activist Hossein Ronaghi, were arrested together with their client at Evin Court on 24 September 2022. They were subjected to beatings and excessive restraint and then transported to Evin prison in an ambulance. Mahsa Gholamalizadeh was detained on the same day, after confiscation of her belongings, and was held in solitary confinement at Evin prison. Babak Paknia was arrested at his own home with a warrant and was in the custody of Sepah (Islamic Revolutionary Guard Corps) and held at ward 2A of Evin prison (most other attorneys at law are held in ward 4). This ward holds mainly political prisoners and is known for incidents of ill treatment and torture of detainees. They were all released on bail in October 2022.

- **Zahra Firouz Khordechi**<sup>98</sup>

Zahra Firouz Khordechi is a member of Isfahan Lawyers Association. Her arrest coincided with the start of the nationwide protests.

It is also pertinent to note that, following the arrests of numerous attorneys at law, the Tehran Law Society and others have been receiving threats, from parties linked to the Iranian Government, that they face closure and arrest of all attorneys at law allied to them.

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<sup>97</sup> [EN\\_HRL\\_20221004\\_Iran\\_Arrest-of-lawyers-Mahsa-Gholamalizadeh-Saeid-Jalilian-Milad-PanahipourHossein-Jalilian-and-Babak-Paknia.pdf \(ccbe.eu\)](#)

<sup>98</sup> [A Comprehensive Report of the First 82 days of Nationwide Protests in Iran - Hrana \(en-hrana.org\)](#)



In addition, Iranian authorities have allegedly announced that any attorneys at law who defends protestors is considered to be an anti-government activist and will be prosecuted and stripped of their license to practise.

- **Zahra Nazari Gomishani<sup>99</sup>**

On 21 November 2022, Zahra Nazari Gomishani was arrested by security agents at her office in Sari, Mazandaran Province. Her electronic devices were confiscated. She has reportedly since been released on bail after 22 days in detention.

#### **E. Demands and Recommendations**

Given the difficult situation that Iranian lawyers face, the undersigned organisations express the following demands and recommendations:

1. The Iranian government should ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference. Lawyers should not be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with their work as lawyers. All proceedings against lawyers in connection with their professional practice should be terminated. All lawyers that are imprisoned for convictions in connection with their professional practice should be released.
2. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their professional functions. Lawyers should not be charged for representing their clients, regardless of the client's charges.
3. Lawyers should have the right to form and join self-governing professional associations to represent their interests, promote their continuing education and training, and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall

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<sup>99</sup> [IRAN: Arbitrary arrests of lawyers and death sentences - OIAD \(protect-lawyers.org\)](https://www.protect-lawyers.org/en/iran-arbitrary-arrests-of-lawyers-and-death-sentences)



exercise its functions without external interference. The Iranian government should stop all interference with the independence of these organisations.

4. These professional associations of lawyers must have all necessary means to ensure that everyone has effective and equal access to legal services and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.

5. Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to independent judicial review. There should be no direct or indirect interference by the Iranian government in disciplinary proceedings. Codes of professional conduct for lawyers shall be established by the legal profession itself through its appropriate organs, or by legislation.

6. There should be no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status.

7. The Iranian government should ensure the safety of lawyers when they are threatened as a result of discharging their functions.

8. Lawyers shall not be pursued for statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

9. The Iranian government shall secure the freedom of expression, belief, association and assembly for lawyers. Lawyers should have the right to take part in public discussion of all matters, especially concerning the law, politics, the government and the administration, and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions.



10. All people should have access to lawyers and legal services of their own choice, in order to protect and establish their rights and to defend them. This right should apply to all people without distinction of any kind, such as discrimination based on race, colour, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth, economic or other status. This should be ensured by providing sufficient funding and other resources for legal services.

11. When charged with a criminal offence, the affected should be immediately informed about the charges and should have the right to be assisted by a lawyer of their own choice. Governments shall ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer of their choice.

12. Lawyers should be granted access to all information, files, and documents necessary to provide effective legal assistance to their clients. This should be applied to all courts and all alleged offences. Such access should be provided at the earliest possible time. The Iranian government should recognize that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

13. Lawyers should have appropriate education and training and be made aware of the ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law.

14. No court or administrative authority shall refuse to recognize the right of a lawyer to appear before it for his or her client.

15. Finally, considering the dire situation of lawyers in Iran today, the authorities shall accept an official visit of the Special Rapporteur on the Independence of Judges and lawyers in order to assess the critical situation.







