

Stakeholder Report for the United Nations Universal Periodic Review

Iran: 48th session of UPR 4th Cycle

Situation of Lawyers in Iran

Submitted by the International Observatory for Lawyers in Danger (OIAD)

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About the International Observatory for Lawyers in Danger (OIAD)

The International Observatory for Lawyers in Danger (OIAD) is an initiative founded by the French National Bar Council (CNB), the Italian National Bar Council (CNF), the Spanish National Bar Council (CGAE) and the Paris Bar. Launched in 2016, its aim is to defend lawyers threatened in the practice of their profession and to denounce situations that infringe the rights of the defense. The Observatory is currently supported by almost 50 members, mostly European bar associations, but also bar associations from Turkey, Cameroon, Democratic Republic of the Congo and Mexico.

The Observatory's mandate is to assist lawyers who, in the exercise of their profession, are victims of threats and persecution, and to raise awareness among political stakeholders and civil society of the fundamental role played by lawyers in safeguarding rights and freedoms. To this end, the OIAD intervenes differently depending on the needs of each situation, by activating the available mechanisms: (1) advocacy, through alerts and communications; (2) missions in the field, whether to observe trials involving unjust accusations against colleagues or to carry out prospective missions to ascertain the situation of human rights lawyers in a specific country ; and (3) emergency aids, supporting lawyers in extremely dangerous situations providing financial and legal assistance.

I. INTRODUCTION

1. Since the announcement of Jîna Mahsa Amini's death in custody in September 2022, the Iranian authorities have been trying to stifle the revolt that has swept through the country. The many demonstrations that shook the country in autumn were violently repressed by the Iranian authorities.

2. Men, women and children in Iran were killed during the demonstrations. In particular, ethnic and religious minorities, already suffering systemic discrimination and persecution, were hit all the harder by the repression during these demonstrations.

3. Hundreds of people were seriously injured or even killed by the security forces. Many of the injured demonstrators refused treatment for fear of further repression.

4. In the face of these serious human rights violations, the need for lawyers to intervene is growing. However, they are also subject to particularly violent repression, with summary trials, almost total control of the profession by the Iranian authorities, and arbitrary arrests.

5. The many people arrested during the demonstrations sometimes had no access to a lawyer. In some cases, the demonstrators were assigned a court-appointed lawyer. In other cases, trials lasted only a few minutes. Finally, some lawyers did not even have the right to access files, or the time to prepare their clients' defence effectively.

6. The OIAD has closely monitored the human rights violations in Iran, especially the attacks on lawyers working in this field, who have defended demonstrators prosecuted as part of the "Women, Life, Freedom" uprising.

7. In the course of its work, the OIAD has been able to collect and verify information, including individual testimonies, about the difficulties faced by the legal profession in Iran since the start of the revolution following the death of Jîna Mahsa Amini.

8. This report is submitted in order to contribute, within the framework of the 48th session of the Human Rights Council Universal Periodic Review (4th Cycle), to the clarification and understanding of the situation in Iran. The report aims to provide the perspective of the legal profession committed to the defence, protection and promotion of human rights.

9. Several recommendations were made during Iran's previous Universal Periodic Review. Several states expressed particular concern about the freedom of lawyers to

practise in Iran, as well as about guarantees of the independence of the judiciary, the protection of lawyers and the respect for the right to a fair trial¹.

10. These recommendations were countered by the Islamic Republic of Iran, which stated that it had implemented new provisions in its Code of Criminal Procedure. The State explains that these provisions aim to ensure respect for the rights of those involved in criminal proceedings, in particular the accused and the victim, and to fill existing legal gaps.

11. Nevertheless, as will be developed throughout this report, the Observatory has concluded that the Islamic Republic of Iran has failed to implement the recommendations set out above, with serious and systematic persecution of human rights lawyers in the recent period, as well as a lack of due process.

II. THE LEGAL PROFESSION UNDER CONTROL

12. Although Iran has been a member state of the International Covenant on Civil and Political Rights (ICCPR) since 1975, the situation has deteriorated considerably in recent months, with the Iranian regime constantly violating the right to a fair trial and the rights of the defence.

13. Those arrested are forced to use lawyers on a list approved by the head of the judiciary, Gholam-Hossein Mohseni Ejei, notorious for his human rights violations. This list only includes lawyers approved by the judiciary as "trusted lawyers". There are various categories of lawyers in Iran:

14. The first category comprises affiliated lawyers who are members of the Bar which vets them. They are independent lawyers who take on all kinds of cases. Some of them focus more on cases of human rights violations, supporting their clients in the media and refusing to cooperate with the security agencies. This is therefore the most persecuted group.

15. The second category comprises a group of lawyers who are also members of the Bar Association, which is also responsible for issuing their licences. Like the first category, they also accept all types of cases, but the lawyers in this category appear on the list of

¹ Recommendations 26.157 (Australia), 26.161 (Finland), 26.167 (New Zealand), 26.170 (Switzerland), 26.173 (United Kingdom of Great Britain and Northern Ireland), 26.178 (Germany), 26.179 (Lithuania) and 26.325 (Belgium) and 26.327 (Greece).

"trusted lawyers". This list is prepared by the Judiciary and these lawyers are generally called upon to handle political and security cases.

16. The third category comprises lawyers under article 187 who are not members of the Bar association and are chosen entirely by the Judiciary, which even issues them their licence. As part of its ongoing efforts to deprive lawyers of their independence, the Judiciary has issued more licences to lawyers in this category in recent years.

17. Given the nature of the demonstrations as "security and political matters", only lawyers with links to the authorities, under article 48 of the Iranian Code of Criminal Procedure, may attend the interrogation and investigation phase of the prosecutor's office.

18. It appears that prisoners charged in connection with the recent protests have been assigned lawyers with links to the authorities under Article 48 of the Iranian Code of Criminal Procedure.²

19. Pre-approved lawyers generally come from religious families loyal to the Islamic Republic. They are mainly retired judges or lawyers from the families of "martyrs" and Basij fighters, closely managed by the security agencies. These lawyers are recommended to the families of prisoners tried by the Islamic Revolutionary Court, generally presided over by Judges Abolqasem Salavati, Asef Al-Hosseini, Iman Afshari or Mohammad Moghiseh. These judges have become prolific in handing down death sentences and long prison terms to demonstrators.³

20. The judiciary, and the legal profession, is under the supervision of a representative of the Supreme Leader. Lawyers are therefore prevented from practising their profession if they defend interests considered to be against those of the Islamic Revolution of Iran. Some lawyers also lose their licences when a disagreement arises with a judicial institution.⁴

² Center for Human Rights in Iran, "Iran Protests: At Least 44 Defense Attorneys Arrested Since September", 10 January 2023, <<https://iranhumanrights.org/2023/01/iran-protests-at-least-44-defense-attorneys-arrested-since-september/>>

³ For more information see Annexe 1: OIAD's brochure for the International Day for lawyers in danger: IRAN.

⁴ [Testimony of Franco-Iranian lawyer Hirbod Dehghani-Azar for the International Day for Lawyers in Danger 2024.](#)

Recommendations:

- 1) Ensure that all 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.
- 2) Guarantee that elections to the Iranian Bar Association and the appointment of court-appointed lawyers take place in a free and transparent manner, without interference from the authorities.
- 3) Abolish all forms of restriction that prevent lawyers from freely meeting with their clients and adequately preparing their defence.

III. LAWYERS TARGETED FOR DEFENDING RIGHTS IN IRAN

21. Lawyers specialising in the defence of human rights are often **prevented from meeting their clients and having access to files and evidence**. In some cases, they have even been banned from attending court hearings.

❖ Human rights lawyers subject to arrests and threats

22. The more lawyers fight for their independence, the more they are persecuted. **Lawyers who defend human rights have always been targeted**, and many have been **sentenced to long prison terms or have left the country to escape prosecution**. Last year, five lawyers were **murdered**, and ten others were **targeted and injured** in failed assassination attempts. These threats, along with others such as phone tapping, criminalisation and disbarment, are all examples of threats to human rights lawyers that have intensified, particularly following the death of Jina Mahsa Amini and the subsequent national uprising.

23. The case of Nasrin Sotoudeh, an Iranian lawyer committed to fundamental rights, particularly women's rights, is one of many examples of the targeting of human rights lawyers in Iran. She was sentenced by the Islamic Republic to 38 years' imprisonment and 148 lashes, before being placed under house arrest for health reasons, but banned

from practising her profession. The lawyer was subjected to ill-treatment during her arrest and detention in October 2023.⁵

❖ **Lawyers targeted for representing demonstrators**

24. Three lawyers were killed during the uprising movement “Women, Life, Freedom”: Maryam Arvin⁶ , Narges Khorammifard, Mohabat Mozafari⁷. In some cases, the circumstances of a lawyer's death are not specified. Such is the case of Maryam Arvin, whose death has been classified as a "suicide". This characterisation casts doubt on the true circumstances surrounding the deaths of lawyers whose practice is obstructed by the regime.

25. Between September 2022 and May 2023, at least 66 defence lawyers were arrested by the Iranian security forces to prevent them from seeking justice for activists and demonstrators who had been arbitrarily arrested, thus going against the recommendations made to Iran regarding freedom of expression.⁸

26. About 200 lawyers were summoned to the Security Prosecutor's Office (Evin) and were asked to sign commitments. At least 12 lawyers have been sentenced to heavy penalties, and 7 lawyers are currently reported to be imprisoned. The number of lawyers in prison keeps rising.

27. The involvement of human rights lawyers is grounds for arrest by the Iranian authorities who regard the activism of human rights defenders as a threat to the regime in power. These **arrests are often unfounded and constitute flagrant restrictions of the legal profession in the country**. Furthermore, torture and ill-treatment in detention, harassment of lawyers' families and summary trials all exacerbate the violations identified.

28. The **Iranian regime violates lawyers’ right to perform all their professional duties without intimidation, hindrance, harassment or undue interference**. The State is also violating Principle 16 of the Basic Principles on the Role of Lawyers by threatening them

⁵ OIAD's alert on Nasrin Sotoudeh. For more information, see Annexe 3: [“Iran: Lawyer Nasrin Sotoudeh brutally beaten and arrested during the funeral of a young Iranian woman”](#)

⁶ OIAD's alert on Maryam Arvin. For more information, see Annexe 2: [“IRAN : Tribute to Maryam Arvin, lawyer, who died in February 2023 after release from prison”](#)

⁷ For more information see the Annexe 1: “OIAD's brochure for the International Day for lawyers in danger: IRAN”.

⁸ United Nations, Human Rights Council, "National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 by the Working Group on the Universal Periodic Review, A/HRC/WG.6/34/IRN/1, 2019

with prosecution for actions they undertake in accordance with recognised professional duties, standards and ethics.

Recommendations:

- 4) Cease all attacks on Iranian lawyers and protect their lives, adopting and implementing measures to guarantee their safety, security and freedom.
- 5) Ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.
- 6) Ensure that lawyers enjoy civil and penal immunity for relevant 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.
- 7) Ensure that lawyers are entitled to freedom of expression and have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.
- 8) Release lawyers who have been imprisoned for the legitimate exercise of their profession.
- 9) Recognise and value the key role of human rights lawyers in upholding human rights and the rule of law.
- 10) Ensure an independent judicial system in which lawyers can practice their profession effectively.
- 11) Transparently investigate incidents of harassment or intimidation of lawyers, with appropriate sanctions against the perpetrators of such actions.

IV. LACK OF INDEPENDENCE OF THE IRANIAN BAR ASSOCIATION

29. Since the Islamic revolution of 1979, the Bar Association has not been able to adequately protect lawyers from state-imposed pressures, let alone guarantee their safety.

30. Under the Islamic Republic, State bodies and the judiciary have exerted constant and increasing pressure on the bar associations and have gradually stripped them of their autonomy and authority by enacting various laws.

31. A week before becoming president, Ebrahim Raisi, as chief justice, introduced a series of regulations in June 2021 to restrict bar associations. Raisi also introduced

another set of regulations a year earlier, in May 2020, which led more than 12,000 legal practitioners to write to him alarmed by their "devastating" impact, and to denounce the distortions of "fair legal enquiry procedures".

32. On 21 August 2023, Parliament approved a new bill that effectively transforms the Bar Associations into subsidiaries of the State by obliging them to comply with the decisions of the Regulatory Council of the Ministry of the Economy. The resolution also gives the Ministry of the Economy the power to issue, renew and revoke lawyers' licences and to evaluate their performance in coordination with the Ministry of Justice and the Judiciary. The Ministry is required to create a "system for evaluating the commitment and effectiveness of lawyers by clients" and to publish the "results of the evaluation of each lawyer by previous clients".

33. The Iranian Bar Association is subject to severe restrictions on the registration of lawyers. Iranian law requires lawyers applying for registration to be approved by the Ministry of Information.⁹

Recommendations:

- 12) Ensure a professional and independent lawyers' institution, which represents the interests of the legal profession, guarantees its protection and has the capacity to license lawyers according to objective criteria and compliance with the requirements for the practice of the profession.
- 13) Legislate explicit guarantees of the Bar's autonomy, including protection against government interference.

⁹ [Testimony of Iranian lawyer Shirin Ebadi for the International Day for Lawyers in Danger 2024.](#)